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STATUTES

OF THE

PROVINCE OF ONTARIO

**For 1945 and for
1945 (Second Session)**

Statutes
Ont

Ontario. Statutes

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

(1st. and 2nd. Session)

Ninth Year of the Reign of His Majesty KING GEORGE VI

Being the Second Session of the Twenty-First
Legislature of Ontario

and the First Session of the Twenty-Second Legislature

BEGUN AND HOLDEN AT TORONTO ON THE FIFTEENTH DAY OF
FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND FORTY-FIVE

2 vols. in 1



ONTARIO

HIS HONOUR ALBERT MATTHEWS, LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by T. E. Bowman, Printer to the King's Most Excellent Majesty
1945

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(1945)
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PART I
PUBLIC ACTS
Chapters 1 to 28



ONTARIO

9 GEORGE VI.

CHAPTER 1.

An Act to provide for the Voting of Active Service Voters at a General Election to the Assembly.

Assented to February 27th, 1945.

Legislature Dissolved March 24th, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding the provisions of *The Election Act, 1945*, or any other Act every active service voter as defined by the regulations shall be entitled to vote, either within or outside the Province at a general election to the Assembly in the manner prescribed by the regulations.

(2) Every active service voter shall be permitted to vote for a candidate in the electoral district in which the active service voter was ordinarily resident and domiciled for at least thirty days immediately preceding the day on which he became qualified as an active service voter, and his vote shall be counted for a candidate in such electoral district and in no other.

2.—(1) Subject to the approval of the Lieutenant-Governor in Council the Chief Election Officer appointed under *The Election Act, 1945*, may make regulations for obtaining the votes of active service voters, including prisoners of war, and for carrying out the provisions of section 1 and for the efficient administration thereof, and may by such regulations,—

- (a) define “active service voter” for the purposes of this Act and all regulations made thereunder;
- (b) prescribe the qualifications of active service voters;
- (c) provide for the establishment of voting territories within and outside the Province;
- (d) provide for the appointment of special returning officers, special deputy returning officers and such other officials as may be required and define their duties;

- (e) prescribe the procedure for polling the votes and counting the ballots;
- (f) authorize the fixing of hours of polling other than those prescribed by this Act;
- (g) prescribe the procedure to be followed in communicating the result of the voting in voting territories established under the regulations to the returning officers in the various electoral districts;
- (h) prescribe the forms to be used for the purposes of this Act; and
- (i) make such other regulations as he may deem necessary for the better carrying out of the provisions of this section.

Regulations
may alter
Election Act.

(2) The regulations made under this section may have the effect of altering any of the provisions of *The Election Act, 1945*, to such extent as may be deemed expedient by the Chief Election Officer with the approval of the Lieutenant-Governor in Council for the purpose of carrying out the provisions of section 1.

Regulations
to be
certified.

1944, c. 26
(Canada).

(3) Regulations made under this section shall have no effect unless the Chief Election Officer has certified over his signature that in the preparation of the regulations he has consulted with the Chief Electoral Officer for Canada and that the regulations are, subject to section 3, as nearly as may be in the same form and to the same effect as *The Canadian War Service Voting Regulations, 1944*, and *The Canadian Prisoners of War Voting Regulations, 1944*, being Schedules A and B respectively to *An Act to provide regulations enabling Canadian War Service electors to exercise their franchise, and Canadian prisoners of war to vote by proxy, at any general election held during the present war, also to provide amendments to The Dominion Elections Act, 1938, consequential to such regulations, or made necessary by the advent of the said war*, being chapter 26 of the Statutes passed at the fifth session of the nineteenth Parliament of Canada.

Voting by
ballot.

3. Notwithstanding any of the other provisions of this Act, regulations made hereunder shall, except in the case of prisoners of war, provide for depositing the voting paper of an active service voter in a ballot box in the presence of such active service voter.

Cases of
emergency.

4. In cases of emergency the Chief Election Officer may give such directions as he may deem proper, and anything done in compliance with such directions shall not be open to question.

5. This Act shall be effective only,

Effect of
Act.

(a) at a general election to the Assembly; and

(b) during the present war and within a period of six months thereafter.

6. *The Active Service Election Act, 1942*, is repealed.

1942, c. 4,
repealed.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

8. This Act may be cited as *The Active Service Election Act, 1945*.

Short title.

CHAPTER 2.

An Act to amend The Bees Act.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 1 and 3 of section 8a of *The Bees Act* Rev. Stat., c. 348, s. 8a, subss. 1, 3 (1941, c. 8, s. 4), re-enacted. as enacted by section 4 of *The Bees Amendment Act, 1941*, are repealed and the following substituted therefor:

- (1) Every person who sells bees or produces bees for the purpose of sale shall on or before the 30th day of June in every year make application to the Minister of Agriculture for a permit.

Permit to sell or produce bees.

.

- (3) No person who sells or produces for the purpose of sale combless package bees shall use as food for such bees honey or candy containing honey.

Honey prohibited as food for combless package bees or queen bees.

(2) The said section 8a as enacted by section 4 of *The Bees Amendment Act, 1941*, is amended by adding thereto the following subsections:

Rev. Stat., c. 348, s. 8a (1941, c. 8, s. 4), amended.

- (5) Every person who sells bees shall keep a record of each sale and shall at the end of each calendar year forward to the Provincial Apiarist, Ontario Agricultural College, Guelph, a statement giving the name and address of each purchaser of bees.

Statement respecting sale of bees.

- (6) Every person who receives bees that have been obtained from a point outside of Ontario shall within ten days notify the Provincial Apiarist, Ontario Agricultural College, Guelph, that such bees have been so received.

Bees imported into Ontario.

2. Section 19 of *The Bees Act* as amended by section 1 of *The Bees Amendment Act, 1942*, is further amended by adding thereto the following clause:

Rev. Stat., c. 348, s. 19, amended.

(*ddd*) designating any area in Ontario as a queen bee breeding area and regulating and controlling the keeping of bees in such area.

Short title.

3. This Act may be cited as *The Bees Amendment Act, 1945*.

CHAPTER 3.

An Act to amend The Children's Protection Act.

*Assented to February 27th, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause xi of clause j of section 1 of *The Children's Protection Act* is amended by striking out the words "ordered by competent authority" in the fifth and sixth lines and inserting in lieu thereof the words "recommended by a duly qualified medical practitioner", so that the first line of the said clause j and subclause xi shall now read as follows:

Rev. Stat.,
c. 312, s. 1,
cl. j,
subcl. xi,
amended.

(j) "Neglected child" shall mean,—

"Neglected child".

(xi) a child whose parents neglect or refuse to provide or secure proper medical, surgical or remedial care or treatment necessary for his health or well-being, or who refuse to permit such care or treatment to be supplied to the child when recommended by a duly qualified medical practitioner.

2. This Act may be cited as *The Children's Protection Amendment Act, 1945.* Short title.

CHAPTER 4.

An Act to amend The Commercial Vehicle Act.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Commercial Vehicle Act* is amended by adding thereto the following sections: Rev. Stat., c. 290, amended.

6a. Every owner licensed under this Act shall provide or effect and carry such bond or insurance as the Lieutenant-Governor in Council may prescribe. Bond or insurance.

6b.—(1) Every insurer who has issued a policy of insurance in accordance with section 6a shall issue a certificate thereof which shall be filed with the Department. Certificate.

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and in accordance with the terms of the certificate. Certificate conclusive.

(3) Every insurer shall notify the Department in writing of the cancellation or expiry of any policy, for which a certificate has been issued, at least ten days before the effective date of such cancellation or expiry, and, in the absence of such notice of cancellation or expiry, such policy shall remain in full force and effect. Notice of cancellation of insurance.

6c. A bond issued in accordance with section 6a shall not be cancelled or expire except after ten days written notice to the Department but not after the happening of the injury or damage secured by the bond as to such accident, injury or damage, and the said bond shall be filed with the Department. Notice of cancellation of bond.

2.—(1) Clause c of section 7 of *The Commercial Vehicle Act* is amended by inserting before the word "amount" in the first line the words "form, terms, conditions" so that the said clause shall now read as follows: Rev. Stat., c. 290, s. 7, cl. c, amended.

- (c) fixing the form, terms, conditions, amount, nature and class of insurance or bond which shall be provided or carried by owners.

Rev. Stat.,
c. 290, s. 7,
amended.

(2) The said section 7 is amended by adding thereto the following clauses:

- (cc) prescribing the conditions and terms of cancellation, expiry, renewal, extension or notice of cancellation with respect to a bond or insurance policy provided by an owner;

- (ccc) respecting the filing of bonds and certificates of such insurance.

.

- (hh) requiring vehicles licensed under this Act or any class thereof, to be equipped with fire extinguishers of a type approved by the Department and prescribing the condition and location in which such extinguishers shall be kept.

Short title.

3. This Act may be cited as *The Commercial Vehicle Amendment Act, 1945*.

CHAPTER 5.

An Act to amend The Crown Timber Act.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Crown Timber Act* is repealed.

Rev. Stat.,
c. 36, s. 17,
repealed.

2. Subsections 1 and 2 of section 24 of *The Crown Timber Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 36, s. 24,
subss. 1, 2,
re-enacted.

- (1) A person who without authority cuts or employs or induces any other person to cut, or assist in cutting timber of any kind on public lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away, timber of any kind, so cut,—

Persons
cutting
timber
without
authority.

- (a) shall not acquire any right to the timber so cut, or any claim to any remuneration for cutting, preparing it for market or conveying it to or towards market; and

- (b) shall, in addition to the loss of his labour and disbursements, pay to the Department \$15 for each tree cut, removed or carried away.

- (2) The Minister may,—

Remission
of payments.

- (a) reduce any amount payable under subsection 1; and

- (b) upon payment of the amount payable under this section transfer the timber to such person.

3. This Act may be cited as *The Crown Timber Amendment Act, 1945*. Short title.

CHAPTER 6.

An Act to amend The Dog Tax and Live Stock Protection Act.

*Assented to March 22nd, 1945.**Legislature Dissolved March 34th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Dog Tax and Live Stock Protection Act* is amended by inserting after the word "dogs" in the fifth line the words "within the municipality or within any defined area thereof", so that the said subsection shall now read as follows:

Rev. Stat.
c. 335, s. 6,
subs. 1
amended.

- (1) By-laws may be passed by the councils of towns, townships, villages and cities having a population of less than 100,000 and by boards of commissioners of police in cities having a population of not less than 100,000 for prohibiting or regulating the running at large of dogs within the municipality or within any defined area thereof; for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as may be provided by the by-law.

Prohibiting
and regulat-
ing the
running at
large of
dogs.

2. Section 10a of *The Dog Tax and Live Stock Protection Act* as enacted by section 2 of *The Dog Tax and Live Stock Protection Amendment Act, 1942*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 335, s. 10a,
(1942,
c. 12, s. 2),
amended.

- (2) The council of a local municipality may pass a by-law providing that where live stock or poultry or both owned by any person is damaged or injured by any wild animal within such municipality the provisions of this Act respecting live stock shall apply, provided that in the case of poultry the provisions of any such by-law shall apply only where the poultry is damaged or injured to the amount of fifty pounds or more.

By-law to
include
damages by
wild animals.

3. This Act may be cited as *The Dog Tax and Live Stock Protection Amendment Act, 1945*.

Short title.

CHAPTER 7.

An Act to amend The Evidence Act.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29a of *The Evidence Act* as enacted by section 1 of *The Evidence Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 119, s. 29a
(1942,
c. 15, s. 1),
re-enacted.

29a.—(1) In this section,

Interpre-
tation,—

(a) “person” includes,

“person”.

(i) the government of Canada and of any province of Canada and any department, commission, board or branch of any such government;

(ii) a corporation, its successors and assigns; and

(iii) the heirs, executors, administrators or other legal representatives of a person; and

(b) “photographic film” includes any photographic plate, microphotographic film and photo-static negative and “photograph” shall have a corresponding meaning.

“photo-
graphic
film”.

(2) Where a bill of exchange, promissory note, cheque, receipt, instrument, agreement, document, plan or a record or book or entry therein kept or held by any person,—

Admissible
in evidence.

(a) is photographed in the course of an established practice of such person of photographing objects of the same or a similar class in order to keep a permanent record thereof; and

- (b) is destroyed by or in the presence of the person or of one or more of his employees or delivered to another person in the ordinary course of business or lost,

a print from the photographic film shall be admissible in evidence in all cases and for all purposes for which the object photographed would have been admissible.

Court may refuse to admit in evidence.

- (3) Where a bill of exchange, promissory note, cheque, receipt, instrument, agreement or other executed or signed document was so destroyed before the expiration of six years from,—

(a) the date when in the ordinary course of business either the object or the matter to which it related ceased to be treated as current by the person having custody or control of the object; or

(b) the date of receipt by the person having custody or control of the object of notice in writing of any claim in respect of the object or matter prior to the destruction of the object,

whichever is the later date, the court may refuse to admit in evidence under this section a print from a photographic film of the object.

Exception as to application of subs. 3.

- (4) Where the photographic print is tendered by a government or the Bank of Canada, subsection 3 shall not apply.

Proof of compliance with conditions.

- (5) Proof of compliance with the conditions prescribed by this section may be given by any person having knowledge of the facts either orally or by affidavit sworn before a notary public and unless the court otherwise orders, a notarial copy of any such affidavit shall be admissible in evidence in lieu of the original affidavit.

Short title.

2. This Act may be cited as *The Evidence Amendment Act, 1945*.

CHAPTER 8.

An Act to amend The Fire Departments Act.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Fire Departments Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 282,
amended.

1b. Notwithstanding the provisions of section 1a, any municipality may establish a three-platoon system under which each platoon shall work eight consecutive hours followed immediately by sixteen consecutive hours off duty, the platoons to rotate in their periods of duty or time off as may be arranged for the purpose of changing shifts every seven days. Three-platoon
system.

.

3a. Nothing in this Act shall be deemed to prohibit any municipality from granting more than one day off duty in every calendar week for the officers and employees of the fire department. Time off
duty.

2. This Act may be cited as *The Fire Departments Amendment Act, 1945*. Short title.

CHAPTER 9.

An Act to amend The Highway Improvement Act.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 12 of *The Highway Improvement Act* is amended by inserting after the word "appoint," in the second line the words "by by-law" so that the said subsection exclusive of its clauses shall now read as follows:

Rev. Stat.,
c. 56, s. 12,
subs. 4,
amended.

(4) Where a county road system is established under this Act the council shall appoint by by-law three or five persons residents of the county but who need not be members of the council, who shall constitute a committee for the purpose of directing the work to be done on the county road system.

Appointment
of county
road
committee.

(2) The said section 12 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 56, s. 12,
amended.

(4a) Where a county road system is established in a county in which a suburban roads commission has been appointed in the manner provided by subsection 3 of section 42, the council of the county may by by-law provide that the members of the suburban roads commission, from time to time, shall constitute the committee for the purpose of directing the work to be done on the county road system and in such case the provisions of subsection 4 shall not apply.

Appointment
of suburban
road com-
missioners
as county
road
committee.

2. Clause *d* of subsection 1 of section 18 of *The Highway Improvement Act* as re-enacted by section 5 of *The Highway Improvement Amendment Act, 1944*, is amended by adding at the end thereof the words "or in the case of an interim statement, by resolution of the county road committee", so that the first six lines of the subsection and clause *d* shall now read as follows:

Rev. Stat.,
c. 56, s. 18,
subs. 1,
cl. *d*
(1944, c. 23, s. 5)
amended.

(1) Where a plan of highway improvement approved by the Lieutenant-Governor in Council under this Act

Annual
statement
to Minister.

is being carried out the county council shall annually and may with the consent of the Minister at any time during the progress of the work submit to the Minister,—

- (d) a petition for the payment of the grant, authorized by resolution of the council or in the case of an interim statement, by resolution of the county road committee.

Rev. Stat.,
c. 56, s. 26,
amended.

3. Section 26 of *The Highway Improvement Act* is amended by inserting before the word "town" where it occurs in the first, seventh, eighth, ninth and fourteenth lines respectively the words "city or", so that the said section shall now read as follows:

Contribution
of cities,
or towns to
improve-
ment of
county
roads.

26. When any highway leading or adjacent to any city or town separated from the county is or is to be assumed, purchased, expropriated, widened, straightened, reconstructed or otherwise improved or requires the expenditure of a greater amount for maintenance and repair to meet the requirements of increased, heavy, constant or other extraordinary traffic to or from the city or town, beyond the requirements which, but for the existence of such city or town, would be deemed those of a standard highway for the locality, the corporation of the city or town by by-law passed with the assent of at least two-thirds of the members of the council thereof may agree with the corporation of the county to contribute such additional cost, or a proper proportion of the cost, or that the amount of the contribution of the city or town shall be determined by arbitration under *The Municipal Act*, and may, without the assent of the electors, provide by by-law for the issue of debentures payable in not more than twenty years from the date of the issue thereof to raise the amount agreed upon or awarded, or may agree with the corporation of the county for the payment of such amounts in annual instalments to be raised by annual special rate upon the rateable property in the city or town.

Rev. Stat.,
c. 56, s. 36,
subs. 1
(1914,
c. 23, s. 14),
amended.

4. Subsection 1 of section 36 of *The Highway Improvement Act* as re-enacted by section 14 of *The Highway Improvement Amendment Act, 1944*, is amended by inserting after the word "and" in the seventh line the words "subject to the approval of the Minister", so that the said subsection shall now read as follows:

- (1) The Lieutenant-Governor in Council, upon application of the council of any county having or adopting a county road system under this Act, may direct that a commission or commissions be appointed as in section 42 provided, in the case of each city or town situate within the county but separated therefrom for municipal purposes, and, subject to the approval of the Minister, each commission may designate and define roads or portions of roads in the county road system as suburban roads and the city or town shall contribute towards the construction and maintenance of such roads or portions of roads in accordance with the provisions of this Part.

5. Subsection 1 of section 38 of *The Highway Improvement Act* as re-enacted by section 16 of *The Highway Improvement Amendment Act, 1944*, is amended by adding at the end thereof the words "but where expenditure is made on a bridge or culvert the Minister may direct that the Province shall bear a greater proportion, not exceeding seventy-five per centum thereof, in which case the balance of the expenditure shall be divided equally between the county and the city", so that the said subsection shall now read as follows:

- (1) Roads designated and approved as suburban roads shall from the time of such designation and approval, be constructed, maintained and repaired under the direction of the commission, and the expenditures thereon shall be borne by the county, the city or town and the Province in the proportion of twenty-five per centum by the county, twenty-five per centum by the city or town and fifty per centum by the Province but where expenditure is made on a bridge or culvert the Minister may direct that the Province shall bear a greater proportion, not exceeding seventy-five per centum thereof, in which case the balance of the expenditure shall be divided equally between the county and the city.

6. Section 49 of *The Highway Improvement Act* as re-enacted by section 23 of *The Highway Improvement Amendment Act, 1944*, is amended by striking out the word "construction" in the third line and inserting in lieu thereof the word "improvement" and by striking out all the words after the word "exceed" in the sixth line and inserting in lieu thereof the words:

- "(a) in the case of improvement in respect of a bridge, one hundred per centum; and
(b) in the case of all other highway improvement, eighty per centum

of the amount of the township's funds expended on such improvement in accordance with the requirements of the Minister,"

so that the said section shall now read as follows:

Additional
subsidy.

49. Where the Minister deems it necessary in order to secure the development of an adequate plan of road improvement, he may direct that there be paid to the township such amount in addition to that paid under section 48 as he may deem requisite, but the total aid so granted in any one year shall not exceed,

(a) in the case of improvement in respect of a bridge, one hundred per centum; and

(b) in the case of all other highway improvement, eighty per centum

of the amount of the township's funds expended on such improvement in accordance with the requirements of the Minister.

Rev. Stat.,
c. 56, s. 71,
subs. 5,
amended.

7. Subsection 5 of section 71 of *The Highway Improvement Act* is amended by striking out the word "roadway" in the second and third lines and in the fourth line and inserting in lieu thereof the words "limit of the highway" and by striking out the word "placed" in the fourth line and inserting in lieu thereof the words "erected or altered" so that the said subsection shall now read as follows:

Location
of fences,
buildings,
etc.

(3) The Lieutenant-Governor in Council upon the recommendation of the Minister may fix the distance from the limit of the highway at which fences, buildings or other structures may be erected or altered and also the distance from the limit of the highway at which trees, shrubs or hedges may be planted.

Rev. Stat.,
c. 56, s. 79a,
(1939,
c. 19, s. 7),
re-enacted.

8. Section 79a of *The Highway Improvement Act* as enacted by section 7 of *The Highway Improvement Amendment Act, 1939*, and amended by subsection 1 of section 1 of *The Highway Improvement Amendment Act, 1942*, and section 17 of *The Highway Improvement Amendment Act, 1943*, is repealed and the following substituted therefor:

Controlled
access
highways.

79a.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may designate any portion of the King's Highway as a controlled access highway and all the provisions of this Act relating to the King's Highway as well as the provisions of

this section shall apply to every controlled access highway.

- (2) The Lieutenant-Governor in Council may make regulations relating to controlled access highways,— Regulations re controlled access highways.
- (a) prohibiting or regulating the opening into controlled access highways of private roads and entrances to premises adjoining controlled access highways;
 - (b) prohibiting or regulating the use of controlled access highways by any type or class of vehicles;
 - (c) prohibiting or regulating the erection and alteration of buildings or other structures upon or adjacent to highways intersecting or running into controlled access highways for a distance of six hundred feet from the limit of any controlled access highways;
 - (d) prohibiting or regulating the erection of power lines or other pole lines upon or within one quarter of a mile of the limit of any controlled access highway and the provisions of any regulations made under the authority of this clause shall apply notwithstanding any provision of any other general Act or any special Act heretofore passed by this Legislature;
 - (e) prohibiting or regulating in any area the offering or exposing for sale and the purchase or acquisition of produce, fruit, goods and merchandise of any kind on any controlled access highway or within one hundred feet of the limit thereof; and
 - (f) generally for the better carrying out of the provisions of this Act relating to controlled access highways.
- (3) Every person who violates any of the provisions of the regulations made under the authority of this section shall be liable to a penalty of not less than \$1 and not more than \$100 recoverable under *The Summary Convictions Act*, and the continuance of the condition constituting such violation for each week after a conviction therefor shall be deemed to be a further violation. Penalty. Rev. Stat., c. 136.

Closing
roads.

- (4) Subject to the approval of the Board, the Department may close any county, township or other road which intersects or runs into a controlled access highway.

Notice of
application
for approval
of closing
road.

- (5) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Board and the Department within such time as the Board shall direct.

Claim,—
when not to
be allowed.

- (6) Notwithstanding the provisions of subsection 2 of section 79, no claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Board shall be allowed except by leave of the Board.

Order of
Board.

- (7) Upon the hearing of the application for approval of the closing of a road, the Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Board approving of the closing of a road may contain provisions,—

(a) determining the portion or portions of such road which shall be closed;

(b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,—

(i) by the payment by the Department to any of such persons of such damages as may be fixed by the Board,

(ii) by the providing of another road for the use of any of such persons,

(iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding the provisions of any other Act, and

(iv) in such other manner as the Board may deem proper;

- (c) providing for the payment of costs of any person appearing on such application and fixing the amount of such costs; and
 - (d) providing for the doing of such other acts as in the circumstances it deems proper.
- (8) Upon the approval of the Board being so obtained ^{Closing road.} but subject to the provisions of the order of the Board made on the application for such approval, the Department may do all such acts as may be necessary to close the road in respect of which the application is made.
- (9) Where, at any time after making application for the approval of the Board of the closing of a road, the Department discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Board, the Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Department as it deems proper and may fix the amount of such costs. ^{Idem.}
- (10) Any person who claims to be injuriously affected ^{Appeal.} by the closing of a road may, by leave of the Court of Appeal, appeal to that Court from any order of the Board approving the closing of such road, and the Department may, upon like leave, appeal from any order of the Board made on an application under this section.
- (11) The leave may be granted on such terms as to the giving of security for costs and otherwise as the Court may deem just. ^{Leave to appeal.}
- (12) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis* ^{Practice and procedure on appeal.} as upon an appeal from a county court and the decision of the Court of Appeal shall be final.
- (13) Section 103 of *The Ontario Municipal Board Act* ^{Rev. Stat., c. 60, s. 103, not to apply.} shall not apply to any appeal under this section.
- (14) In this section "Board" shall mean Ontario Municipal Board. ^{"Board", meaning of.}

9. This Act may be cited as *The Highway Improvement Amendment Act, 1945.* ^{Short title.}

CHAPTER 10.

An Act to amend The Judicature Act.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1a of section 106 of *The Judicature Act* Rev. Stat., c. 100, s. 106, subs. 1a, cl. a (1941, c. 24, s. 3, subs. 2) re-enacted. as enacted by subsection 2 of section 3 of *The Judicature Amendment Act, 1941*, is amended by striking out clause a and inserting in lieu thereof the following:

- (a) the Chief Justice of Ontario, the Chief Justice of the High Court and five other judges of the Supreme Court of Ontario to be appointed by the Chief Justice of Ontario,

so that the first two lines of the said subsection and clause a shall now read as follows:

- (1a) There shall be a committee known as the Rules Committee which shall be composed of, Rules Committee,—establishment of.
 - (a) the Chief Justice of Ontario, the Chief Justice of the High Court and five other judges of the Supreme Court of Ontario to be appointed by the Chief Justice of Ontario;

.

(2) Subsection 1b of the said section 106, as enacted by subsection 2 of section 3 of *The Judicature Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 100, s. 106, subs. 1b (1941, c. 24, s. 3, subs. 2) re-enacted.

- (1b) The Chief Justice of Ontario shall be the chairman Chairman. and in his absence or at his request the Chief Justice of the High Court shall preside.

2. This Act may be cited as *The Judicature Amendment Act, 1945*. Short title.

CHAPTER 11.

An Act to amend The Liquor Authority Control
Act, 1944.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Liquor Authority Control Act, 1944*,^{1944, c. 33, s. 10, amended.} is amended by striking out the words "the Treasurer of Ontario out of the net profits of" in the fourth and fifth lines, so that the said section shall now read as follows:

10. The salaries or other remuneration of the members of the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be paid monthly by The Liquor Control Board of Ontario.

^{Salaries and expenses.}

2. Subsection 2 of section 40 of *The Liquor Authority Control Act, 1944*,^{1944, c. 33, s. 40, subs. 2, amended.} is amended by striking out the words "The Treasurer of Ontario shall pay out of the net profits of" in the first and second lines and by inserting after the word "Ontario" in the second line the words "shall pay", so that the said subsection shall now read as follows:

(2) The Liquor Control Board of Ontario shall pay the compensation mentioned in subsection 1 upon the requisition of the Board.

^{Compensation payable by Liquor Control Board.}

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect from the 6th day of April, 1944.

^{Commencement of Act.}

4. This Act may be cited as *The Liquor Authority Control Amendment Act, 1945*.

^{Short title.}

CHAPTER 12.

An Act to amend The Mental Hospitals Act.

*Assented to February 27th, 1945.**Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 45 of *The Mental Hospitals Act* is amended by striking out the words "without a warrant" in the fourth line, and by adding at the end thereof the words "either without a warrant or upon a warrant in the prescribed form issued by the Deputy Minister or the superintendent", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 392, s. 45,
subs. 1,
amended.

- (1) Any patient admitted to an institution who escapes therefrom or who, contrary to the provisions of this Act or the regulations, leaves or is taken away or removed therefrom may be apprehended at any time within sixty days from the day of his escape by any peace officer, police officer or constable or any person appointed by the superintendent or the Deputy Minister either without a warrant or upon a warrant in the prescribed form issued by the Deputy Minister or the superintendent.

Apprehen-
sion of
escaped
patient.

2. This Act may be cited as *The Mental Hospitals Amendment Act, 1945*.

Short title.

CHAPTER 13.

An Act to amend The Mining Act.

Assented to March 22nd, 1945.

Legislature Dissolved March 24th, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Mining Act* is amended by striking out the words "a mining claim may be staked out only upon discovery by the licensee of valuable mineral in place, and" in the sixth, seventh and eighth lines, so that the said section shall now read as follows:

Rev. Stat.,
c. 47, s. 37,
amended.

37. A licensee, for himself or on behalf of any other licensee, may stake out a mining claim on any land open for prospecting and, subject to the other provisions of this Act, may work such claim and transfer his interest therein to another licensee; but where the surface rights in the land have been granted, sold, leased or located by the Crown compensation must be made as provided by section 93.

When claim
may be
staked.

2. Subsection 3 of section 52 of *The Mining Act* is amended by striking out the figures "66" in the eleventh line and inserting in lieu thereof the figures "200", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 47, s. 52,
subs. 3,
amended.

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter-section or subdivision of a section, or have constituted a lot, quarter-section, or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter-section or subdivision of a section; but wherever a claim includes land covered with or bordering on water there may be reserved to the Crown, the surface rights in a strip of land along the shore 200 feet in perpendicular width from the water's edge and such other rights of access and passage to, from and over the water as to

Claims
including
lands
covered
with water.

the Minister may seem desirable, and in the case of navigable water a lease or license only to extract the ore or mineral, and not a patent, shall be granted.

Rev. Stat.,
c. 47, s. 60,
subs. 3,
amended.

3. Subsection 3 of section 60 of *The Mining Act* is amended by striking out the words "the expiration of the time for performing the first instalment of work" in the second and third lines and inserting in lieu thereof the words "six months thereafter", so that the said subsection shall now read as follows:

Tagging
claim
posts after
recording.

- (3) As soon as reasonably possible after the recording of the mining claim, and not later than six months thereafter, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the recorder or Judge on the application of any one misled by the lack of such tags, and the recorder on application shall supply such numbered tags free of charge.

Rev. Stat.,
c. 47, s. 67
(1943,
c. 14, s. 2),
amended.

4. Section 67 of *The Mining Act* as re-enacted by section 2 of *The Mining Amendment Act, 1943*, is amended by adding at the end thereof the words "but every such coupon shall be valid only for a period of two years after the date of the issue thereof", so that the said section shall now read as follows:

Free assays

67. Every licensee who stakes out and records a mining claim shall be given by the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days' work thereafter, and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with the required number of coupons, he shall be entitled to have such samples assayed without charge as follows:

- (a) for one coupon, one assay for gold, silver, copper, lead or metallic iron;
- (b) for two coupons, one assay for nickel, zinc, tin, arsenic, phosphorus or sulphur;
- (c) for three coupons, one assay for cobalt, chromium, manganese, molybdenum, titanium or tungsten; and
- (d) for four coupons, one assay for beryllium, mercury, platinum or vanadium,

but every such coupon shall be valid only for a period of two years after the date of the issue thereof.

5.—(1) Clause *a* of subsection 1 of section 78 of *The Mining Act* as enacted by subsection 1 of section 9 of *The Mining Amendment Act, 1939*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 78,
subs. 1, cl. *a*
(1939,
c. 27, s. 9
(1) re-
enacted.

(a) First period of at least forty days not later than one year immediately following the recording of the claim.

(2) Clause *e* of subsection 1 of the said section 78 as enacted by subsection 1 of section 9 of *The Mining Amendment Act, 1939*, is amended by striking out the word "fifty" in the first line and inserting in lieu thereof the word "forty", so that the said clause shall now read as follows:

Rev. Stat.,
c. 47, s. 78,
subs. 1, cl. *e*
(1939,
c. 27, s. 9,
subs. 1),
amended.

(e) Fifth period of at least forty days not later than five years after date of recording.

(3) Subsection 2 of the said section 78 as amended by section 2 of *The Mining Amendment Act, 1940*, is further amended by striking out the words "four months" in the fourth line and inserting in lieu thereof the word "year", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 47, s. 78,
subs. 2,
amended.

(2) The work may be completed in a less period of time than herein specified, and if more work is performed by or on behalf of the recorded holder than is herein required during the first year or in any subsequent year, the excess upon proof of the same having been performed shall be credited by the recorder upon the work required to be done during any subsequent year.

Work done
within
earlier
period and
allowance
for excess.

(4) Subsection 7 of the said section 78 as amended by subsection 2 of section 9 of *The Mining Amendment Act, 1939*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 78,
subs. 7,
re-enacted.

(7) A licensee who is the holder of a group of not more than nine contiguous claims may perform or cause to be performed on one or more of such claims all the work required to be done on any of the other claims in the group, and the reports of work and affidavits to be filed by him in respect of such work shall indicate the claim or claims on which the work was performed and the claim or claims in respect of which it is to be applied.

Work to be
performed
on claims.

(5) Subsection 9 of the said section 78 as amended by

Rev. Stat.,
c. 47, s. 78,
subs. 9,
amended.

section 2 of *The Mining Amendment Act, 1940*, is further amended by striking out the words "four months" in the sixth line and inserting in lieu thereof the words "one year", so that the said subsection shall now read as follows:

Survey to count as forty days' work.

- (9) The survey of a mining claim made in pursuance of section 103 or 104, on the plan and field notes thereof being filed with the Mining Recorder within the prescribed time, shall count as forty days' work on the surveyed claim, except in respect of the work required by subsection 1 to be done within one year immediately following the recording of the claim.

Rev. Stat., c. 47, s. 78, subs. 10, amended.

- (6) Subsection 10 of the said section 78 as amended by section 2 of *The Mining Amendment Act, 1940*, is further amended by striking out the words "four months" in the fifth line and inserting in lieu thereof the words "one year", so that the said subsection shall now read as follows:

Survey may be applied as work before plans filed.

- (10) On receipt of an affidavit by an Ontario land surveyor that he has made a survey of a mining claim within the period during which any work is required by this Act to be done on such claim, except in respect of the work required by subsection 1 to be performed within one year immediately following the recording of the claim, and an undertaking of such surveyor that he will forward or cause to be forwarded to the recorder not later than two months after the close of the period for doing the work, plans and field notes of the survey, the recorder may enter upon the record of the claim forty days' work and he may cancel the entry in default of receipt of such plans and field notes within such period of two months.

Rev. Stat., c. 47, s. 79, re-enacted.

6. Section 79 of *The Mining Act* is repealed and the following substituted therefor:

Periods excluded in computing time for performance of working conditions.

79. In computing the time within which work upon a mining claim is required to be performed, the following periods of time shall be excluded:

(a) all time which by an Order-in-Council or regulation is excluded;

Rev. Stat., c. 325.

- (b) if a permit under *The Forest Fires Prevention Act*, which is necessary for the beginning or carrying on of the work under this Act, is refused or the performance of such work is prohibited under the authority of *The Forest Fires Prevention Act*, the time during which such refusal or prohibition subsists.

7. Section 176c of *The Mining Act* as enacted by section 4 of *The Mining Amendment Act, 1939* (No. 2) is amended by adding thereto the following subsection:

Rev. Stat.,
c. 47, s. 176c
(1939,
2nd Sess.,
c. 5, s. 4),
amended.

- (5) Where the recorded holder has enlisted or enrolled for active service and subsequently transfers his interest, the provisions of subsections 2, 3 and 4 shall apply *mutatis mutandis* to the transferee, but the time for performing work and making application for patent or lease shall be computed from the date of such transfer.

Where
recorded
holder on
active
service.

8. This Act may be cited as *The Mining Amendment Act, 1945*.

Short title.

CHAPTER 14.

An Act to amend The Counties Reforestation Act.

Assented to March 22nd, 1945.

Legislature Dissolved March 24th, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title of *The Counties Reforestation Act* is amended by striking out the word "Counties" and inserting in lieu thereof the word "Municipal", so that the said title shall now read as follows: Rev. Stat.,
c. 323,
title,
amended.

THE MUNICIPAL REFORESTATION ACT

2. Subsection 1 of section 3 of *The Counties Reforestation Act* is amended by striking out the words "in districts without county organization" in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat.,
c. 323, s. 3,
subs. 1,
amended.

(1) Municipal councils of townships shall have all the powers, privileges and authority conferred by clauses *a, b* and *c* of section 1 on councils of counties. Powers of
certain
township
councils.

3. *The Counties Reforestation Amendment Act, 1939*, is amended by striking out the word "Counties" where it occurs in the long title and the short title and in the first line of section 1 of the said Act and inserting in lieu thereof the word "Municipal". 1939, c. 11,
amended.

4. This Act may be cited as *The Municipal Reforestation Amendment Act, 1945*. Short title.

CHAPTER 15.

An Act to repeal The Political Contributions Act.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Political Contributions Act*, being chapter 10 of the Revised Statutes of Ontario, 1937, is repealed. Rev. Stat.,
c. 10, re-
pealed.
2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment of Act.
3. This Act may be cited as *The Political Contributions Repeal Act, 1945*. Short title.

CHAPTER 16.

An Act respecting Prospecting Syndicates having
a Capital not exceeding \$35,000.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,—

Interpre-
tation,—

(a) "Commission" shall mean the Ontario Securities Commission; and "Commission";

(b) "mining recorder" shall mean a mining recorder appointed under *The Mining Act*. "mining recorder".

Rev. Stat.,
c. 47.

2.—(1) Upon the filing of a prospecting syndicate agree- Agreement,—
ment with the Commission or a mining recorder the liability filing of.
of the members of the syndicate or parties to the agreement
shall be limited to the extent provided by the terms of such
agreement where,—

(a) the sole purpose of the syndicate is the financing
of prospecting expeditions, preliminary mining deve-
lopment, or the acquisition of mining properties or
any combination thereof;

(b) the agreement clearly sets out,

(i) the purpose of the syndicate,

(ii) the particulars of any transaction effected or
in contemplation involving the issue of units
for a consideration other than cash;

(iii) the maximum amount, not exceeding twenty-
five per centum of the sale price, which may be
charged or taken by any person as commis-
sion upon the sale of units in the syndicate;
and

(iv) the maximum number of units in the syndicate, not exceeding thirty-three and one-third per centum of the total number of units of the syndicate, which may be issued in consideration of the transfer to the syndicate of mining properties; and

(c) the agreement limits the capital of the syndicate to a sum not exceeding \$35,000.

One agreement for each property.

(2) Not more than one prospecting syndicate agreement shall be entered into with respect to a mining property.

Duty as to receiving.

(3) The Commission or any mining recorder shall receive any agreement tendered for filing under this section and shall not be required to determine whether it is in conformity with clauses *a*, *b* and *c* of subsection 1, and every mining recorder shall without delay send every such agreement filed with him to the Commission by prepaid mail.

Rev. Stat., c. 189 not to apply.

(4) Where a prospecting syndicate agreement is filed under subsection 1 the requirements of *The Partnership Registration Act* as to filing shall not apply thereto. 1940, c. 25, s. 2; 1941, c. 53, s. 3, *part*.

Organizer suspended under 1945, c. 22.

3. Except with the written consent of the Commission no person shall tender for filing or file or cause to be tendered for filing or filed with the Commission or a mining recorder a prospecting syndicate agreement where any organizer or promoter of the prospecting syndicate has either directly or indirectly been refused registration under *The Securities Act, 1945*, or where the registration under *The Securities Act, 1945*, of any such organizer or promoter has been suspended or cancelled. *New*.

Alteration in name.

4. Where a prospecting syndicate agreement is filed under this Act, the Commission may alter the name of the prospecting syndicate. 1940, c. 25, s. 2; 1941, c. 53, s. 3, *part*.

Application of 1945, c. 22.

5. Nothing in this Act shall exclude the operation of any of the provisions of *The Securities Act, 1945*. *New*.

Agreements filed with Provincial Secretary.

Rev. Stat., c. 265; 1940, c. 25; 1941, c. 53.

6. Every agreement filed with the Provincial Secretary under the provisions of section 13f of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act, 1940*, and renumbered by section 3 of *The Securities Amendment Act, 1941*, shall be transferred to the files of the Ontario Securities Commission and shall be deemed to be filed within the meaning of this Act. *New*.

7. This Act shall come into force on a day to be named by ^{Commence-}
the Lieutenant-Governor by his Proclamation. _{ment of Act.}

8. This Act may be cited as *The Prospecting Syndicate* ^{Short title.}
Agreements Act, 1945.

CHAPTER 17.

An Act to amend The Public Health Act.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *zj* of section 5 of *The Public Health Act*, Rev. Stat., c. 299, s. 5, as enacted by subsection 2 of section 2 of *The Public Health Amendment Act, 1944*, is amended by adding at the end ^{(1944, c. 48, s. 2, subs. 2) amended.} thereof the words "and requiring licenses for such premises and fixing an annual license fee of not exceeding \$5", so that the said clause shall now read as follows:

(*zj*) prescribing standards for the construction, operation and maintenance of premises used for public ^{Cold storage plants.} cold storage of food for human consumption and requiring licenses for such premises and fixing an annual license fee of not exceeding \$5.

(2) The said section 5 is further amended by adding thereto ^{Rev. Stat., c. 299, s. 5, amended.} the following clause:

(*zk*) prescribing standards for the location, construction, alteration, repair, operation and maintenance of ^{Swimming pools.} swimming pools.

2. Subsection 2 of section 24 of *The Public Health Act* ^{Rev. Stat., c. 299, s. 24, subs. 2, amended.} as amended by section 3 of *The Public Health Amendment Act, 1939*, is further amended by striking out the words and figures at the commencement thereof down to and including the figures "200,000" in the third line and inserting in lieu thereof the words "where a local board in a municipality" and by inserting after the word "may" in the eighth line the words "with the approval of the Minister", so that the said subsection shall now read as follows:

(2) Where a local board in a municipality in which a ^{Where local board may install sanitary conveniences.} sewerage system has been established, recommends that sanitary conveniences or suitable connections with a water service should be installed in any building, and is of the opinion that the owner of the premises

premises is unable or unwilling to pay the expense of the same at once, the municipality may, with the approval of the Minister, instal suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may instal a water service pipe with the necessary connections to give a proper supply of water to the premises, at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

Rev. Stat.,
c. 299, s. 35,
subs. 2a
(1944,
c. 48, s. 3,
subs. 1)
amended.

3. Subsection 2a of section 35 of *The Public Health Act* as enacted by subsection 1 of section 3 of *The Public Health Amendment Act, 1944*, is amended by adding at the end thereof the words "and any area prescribed by order of the Lieutenant-Governor in Council" so that the said subsection shall now read as follows:

Health
unit in
territorial
district.

(2a) A health unit in a territorial district may comprise one or more municipalities and one or more school sections and any area prescribed by order of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 299, s. 49,
amended.

4. Section 49 of *The Public Health Act* is amended by adding thereto the following subsection:

Manage-
ment and
control of
isolation
hospital.

(2) Notwithstanding the provisions of subsection 1, an agreement may be entered into between the local board of the municipality, by the corporation of which an isolation hospital is established, the council of the municipality and the board of trustees of a public hospital, providing for the management and control of the isolation hospital and of the conduct of the physicians, nurses, attendants and patients by the board of trustees of the public hospital.

Rev. Stat.,
c. 299,
amended.

5. *The Public Health Act* is amended by adding thereto the following section:

Care of
aged and
infirm
persons.

80a. Where a medical officer of health, inspector or other person in making any inspection or examination under section 80, finds that any premises are used for the accommodation of aged or infirm persons for gain or reward, he may give such orders or directions as, in his opinion, are necessary to

insure that such persons receive proper care and treatment, and in the event that his orders and directions are not carried out, he may order that the premises cease to be used for such accommodation.

6. Section 91a of *The Public Health Act*, as enacted by Rev. Stat., c. 299, s. 91a section 6 of *The Public Health Amendment Act, 1940*, and (1940, c. 22, s. 6) amended by subsection 1 of section 5 of *The Public Health Amendment Act, 1944*, is further amended by adding thereto the following subsection:

- (3) Where an agreement does not provide for a service Levying cost. in the schools of all the local municipalities forming part of the county, the county may levy the cost against the local municipalities in which the service is provided.

7. This Act may be cited as *The Public Health Amendment Act, 1945*. Short title.

CHAPTER 18.

An Act to amend The Public Hospitals Act.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Public Hospitals Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 390, s. 4,
amended.

(gg) prescribing a scale or other system governing the amounts of provincial aid which shall be payable.

2. Section 8 of *The Public Hospitals Act* is amended by striking out the words "may with the approval of the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "or a corporation incorporated for the purpose of establishing a hospital within the meaning of this Act may", and by striking out the words "adjacent to or in the vicinity of such hospital" in the third line, so that the said section shall now read as follows: Rev. Stat.,
c. 390, s. 8,
amended.

8. The board of a hospital or a corporation incorporated for the purpose of establishing a hospital within the meaning of this Act may pass by-laws for expropriating any land which may be requisite for or advantageous to any of its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers, so far as the same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality. Expropria-
tion
powers.

Rev. Stat.,
c. 266.

3. Section 9 of *The Public Hospitals Act* is amended by inserting after the word "hospital" in the first line the words "or of any corporation referred to in section 8", so that the said section shall now read as follows: Rev. Stat.,
c. 390, s. 9,
amended.

By-laws,
etc., to be
approved.

9. No by-law, rule or regulation of any hospital or of any corporation referred to in section 8 shall have force or effect until the same is approved by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 390, s. 16,
re-enacted.

4. Section 16 of *The Public Hospitals Act* is repealed and the following substituted therefor:

Municipal
liability for
indigents.

16. When any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates,—

(a) in the case of a hospital which, under the regulations, is classed as a convalescent hospital, hospital for incurable patients or a hospital for chronic patients, at the rate of \$1.50 per day; and

(b) in the case of all other hospitals at the rate of \$2.25 per day.

Rev. Stat.,
c. 390, s. 23,
amended.

5. Section 23 of *The Public Hospitals Act* as amended by subsection 2 of section 20 of *The Statute Law Amendment Act, 1938*, section 2 of *The Public Hospitals Amendment Act, 1940*, and section 1 of *The Public Hospitals Amendment Act, 1943*, is further amended by adding the word "or" at the end of clause *f* and by adding thereto the following clause:

Accommoda-
tion after
discharge.

- (g) if such patient has been discharged from a hospital and has been provided with accommodation in a municipality by and at the expense of some other municipality but in such case the patient shall, for the purpose of this Act, be deemed to be a resident in the municipality in which he was resident at the time he was provided with such accommodation in the first named municipality.

Rev. Stat.,
c. 390, s. 24,
subs. 2,
repealed.

6. Subsection 2 of section 24 of *The Public Hospitals Act* is repealed.

Rev. Stat.,
c. 390, s. 32,
subs. 1,
amended.

7. Subsection 1 of section 32 of *The Public Hospitals Act* is amended by striking out all the words after the word "Legislature" in the fourth line and inserting in lieu thereof the words "in such amounts and manner and at such times as may be prescribed by the regulations", so that the said subsection shall now read as follows:

- (1) Subject to the provisions of this Act and of the Provincial aid. regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purposes by the Legislature in such amounts and manner and at such times as may be prescribed by the regulations.

8. Sections 34, 35, 36 and 37 of *The Public Hospitals Act* Rev. Stat., c. 390, ss. 34, 35, 36, 37, repealed. are repealed.

9. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from the 1st day of January, 1945. Commencement of Act.

10. This Act may be cited as *The Public Hospitals Amendment Act, 1945*. Short title.

CHAPTER 19.

An Act to amend The Public Trustee Act.

Assented to March 22nd, 1945.

Legislature Dissolved March 24th, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5a of *The Public Trustee Act* as enacted by section 32 of *The Statute Law Amendment Act, 1942*, is repealed. Rev. Stat.,
c. 166, s. 5a
(1942,
c. 34, s. 32),
repealed.
2. This Act may be cited as *The Public Trustee Amendment Act, 1945*. Short title.

CHAPTER 20.

An Act to amend The Public Vehicle Act.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Vehicle Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 289,
amended.

25a.—(1) Every insurer who has issued a policy of insurance in accordance with section 25 and the regulations shall issue a certificate thereof which shall be filed with the Department. Filing
certificate.

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that such policy has been issued and in accordance with the terms of the certificate. Effect of
certificate.

(3) Every insurer shall notify the Department in writing of the cancellation or expiry of any policy for which a certificate has been issued at least ten days before the effective date of such cancellation or expiry, and, in the absence of such notice of cancellation or expiry, such policy shall remain in full force and effect. Notice of
cancellation
of insurance.

25b. A bond issued in accordance with section 25 shall not be cancelled or expire except after ten days written notice to the Department, but not after the happening of the injury or damage secured by the bond as to such accident, injury or damage, and the said bond shall be filed with the Department. Cancellat-
ion of bond.

.

30. The Lieutenant-Governor in Council may make regulations,— Regula-
tions.

(a) governing the issue, renewal, transfer, suspension and cancellation of licenses;

- (b) prescribing the form, amount, terms and conditions of bonds and insurance which shall be provided and carried by persons licensed under this Act;
- (c) prescribing the conditions and terms of cancellation, expiry, renewal, extension and notice of cancellation respecting such bonds or insurance;
- (d) governing the filing of the bond or the certificates of such insurance.
- (e) generally for the better carrying out of the provisions of this Act.

Short title

2. This Act may be cited as *The Public Vehicle Amendment Act, 1945*.

CHAPTER 21.

An Act to amend The Public Works Act.

Assented to March 22nd, 1945.

Legislature Dissolved March 24th, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 38 of *The Public Works Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 54, s. 38,
subs. 1, re-
enacted.

- (1) Interest at the rate of five per centum per annum may be allowed on the compensation from the time when the land or property was taken, used or injuriously affected; but no person to whom a sum equal to or greater than the compensation has been offered in writing shall be allowed interest thereon for any time subsequent to the date of the offer.

Interest
on compen-
sation
money.

2. This Act may be cited as *The Public Works Amendment Act, 1945.* Short title.

CHAPTER 22.

The Securities Act, 1945.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "broker" shall mean any person or company other than a salesman, who engages either for the whole or part of his time directly or through an agent in the business of trading in securities and such officials of a company or partnership which trades in securities as may be designated by the regulations and shall include a security issuer except where the context clearly indicates the contrary; R.S.O. 1937, c. 265, s. 1, cl. (a). *Amended.*
- (b) "brokers' auditor" shall mean an accountant whose name is on the panel of accountants selected by the executive committee of a stock exchange; R.S.O. 1937, c. 265, s. 21, cl. (a). *Amended.*
- (c) "Commission" shall mean Ontario Securities Commission;
- (d) "company" shall mean any incorporated corporation, association or other organization; R.S.O. 1937, c. 265, s. 1, cls. (b, c).
- (e) "exchange auditor" shall mean an exchange auditor employed by the executive committee of a stock exchange; R.S.O. 1937, c. 265, s. 21, cl. (b). *Amended.*
- (f) "executive committee" shall mean the executive committee, board of directors, managing committee or other governing committee of a stock exchange; R.S.O. 1937, c. 265, s. 21, cl. (c). *Amended.*

"investment
counsel";

(g) "investment counsel" shall mean any person or company who engages in or holds himself or itself out as engaging in the business of advising others, for compensation, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities, but shall not include,—

1934, c. 24
(Canada.)

Rev. Stat.,
cc. 257, 256.

(i) a bank to which *The Bank Act* (Canada) applies, or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or an official or employee, in the performance of his duties as such, of His Majesty in right of Canada or of any province, or of any municipal corporation or public board or commission in Canada,

(ii) any lawyer, accountant, engineer or teacher whose performance of such services is solely incidental to the practice of his profession,

(iii) any broker whose performance of such services is solely incidental to the conduct of his business as a broker and who receives no special compensation therefor,

(iv) the publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation, and

(v) such other persons or companies not within the intent of this clause, as the Commission may designate; *New*.

official";

(h) "Official" shall include president, vice-president, secretary, treasurer, managing director, general manager, department manager, branch office manager and every person acting in a similar capacity whether so designated or not; *New*.

person";

(i) "person" shall mean an individual, partnership, association, syndicate other than an incorporated syndicate and an unincorporated organization;

"primary
distribution
to the
public".

(j) "primary distribution to the public" used in relation to securities shall mean,—

- (i) trades which are made for the purpose of distributing to the public securities from the treasury of a company or from a person issuing securities, and
- (ii) trades in previously distributed securities for the purpose of redistributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person or company or any combination of persons or companies holding a sufficient quantity of such securities or of the securities from which such securities have been derived to materially affect the control of the company which or person who is the issuer of the securities

whether such trades are made directly to the public or through an underwriter, optionee, sub-underwriter, sub-optionee or otherwise and shall include any transaction involving a purchase and resale, or a repurchase and resale, in the course of or incidental to such distribution or redistribution to the public but shall not include either a trade through a broker who is not engaged in such distribution or redistribution to the public but is acting as the agent of the purchaser or a sale by a person who is not engaged in such distribution or redistribution to the public; *New*.

- (k) "register" shall mean register under this Act; "register";
- (l) "registrar" shall mean registrar of the Commission appointed under this Act; "registrar";
- (m) "regulations" shall mean regulations made under the provisions of this Act; "regulations";
- (n) "salesman" shall mean a person employed, appointed or authorized by a broker or company to trade in securities whether directly or through sub-agents; R.S.O. 1937, c. 265, s. 1, cls. (e-h); "salesman";
- (o) "security" shall include,— "security";
 - (i) any document, instrument or writing commonly known as a security,
 - (ii) any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company,

- (iii) any document constituting evidence of an interest in an association of legatees or heirs,
- (iv) any document constituting evidence of an interest in any option given upon a security,
- (v) any bond, debenture, share, stock, note, unit, unit certificate, participation certificate, certificate of share or interest, pre-organization certificate or subscription,
- (vi) any agreement providing that money received will be repaid or treated as a subscription to shares, stock, units or interests at the option of the recipient or of any person or company,
- (vii) any certificate of share or interest in a trust estate or association,
- (viii) any profit-sharing agreement or certificate,
- (ix) any certificate of interest in an oil, gas or mining lease, claim or royalty voting trust certificate,
- (x) any oil or gas royalties or leases or fractional or other interest therein,
- (xi) any collateral trust certificate,
- (xii) any income or annuity contract not issued by an insurance company,
- (xiii) any bankers' share,
- (xiv) any trustees' share,
- (xv) any investment contract, or
- (xvi) any investment participating bond or investment trust debenture,

whether any of the foregoing relate to a 'person, proposed company or company as the case may be; R.S.O. 1937, c. 265, s. 1, cl. (i). *Amended.*

"security issuer";

- (p) "security issuer" shall mean a company or person, other than an individual, trading in securities of its own issue and not trading generally in other securities; and R.S.O. 1937, c. 265, s. 1, cl. (j).

"trade",
"trading".

- (q) "trade" or "trading" shall include,—

- (i) any solicitation for or obtaining of a subscription to, disposition of or trade in or option upon a security for valuable consideration whether the terms of payment be upon margin, instalment or otherwise,

- (ii) any attempt to deal in, sell or dispose of a security or an interest in or option upon a security for valuable consideration whether the terms of payment be upon margin, instalment or otherwise,
- (iii) any participation as a floor trader in any transaction in a security upon the floor of any stock exchange,
- (iv) any receipt by a broker or salesman of an order to buy or sell a security, whether the order is received over the telephone or in person and whether the recipient receives such order as a broker or salesman or on behalf of a broker, and
- (v) any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing. R.S.O. 1937, c. 265, s. 1, cl. (k). *Amended.*

THE COMMISSION.

2.—(1) The Commission shall be composed of a chairman and not more than two other members who shall be appointed by the Lieutenant-Governor in Council. Commission,—how composed.

(2) The chairman shall devote his full time to the work of the Commission and the other members shall devote such time as may be necessary for the due exercise and performance of the powers and duties of the Commission. R.S.O. 1937, c. 265, s. 2. *Amended.* Duties of chairman and members.

3. The chairman may exercise and shall perform the powers and duties vested in or imposed upon the Commission by this Act or the regulations, but every direction, decision, order or ruling of the chairman shall be subject to review by the Commission, and the Commission may confirm or revoke any such direction, decision, order or ruling or may make such alteration therein or addition thereto as a majority of the members deem proper. *New.* Acts of chairman subject to review.

4. The staff of the Commission shall consist of a registrar and such other officers, clerks, stenographers and employees as the Lieutenant-Governor in Council may appoint. R.S.O. 1937, c. 265, s. 4. *Amended.* Staff.

5. The members of the Commission, the registrar and the officers, clerks, stenographers and employees of the Com- Salaries.

mission shall be paid such salaries or remuneration as the Lieutenant-Governor in Council may determine. R.S.O. 1937, c. 265, s. 5. *Amended.*

Payment of salaries and other expenses.

6. The salaries, remuneration and other expenses of the Commission shall be paid out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 265, s. 6. *Amended.*

REGISTRATION.

Brokers, officials and salesmen to register.

7.—(1) No person shall,—

- (a) trade in any security unless he is registered as a broker or salesman of a registered broker;
- (b) act as an official of or on behalf of any partnership or company in connection with any trade in any security by the partnership or company, unless he or the partnership or company is registered as a broker;
- (c) act as a salesman of or on behalf of any partnership or company in connection with any trade in any security by the partnership or company, unless he is registered as a salesman of the partnership or company and the partnership or company is registered as a broker; or
- (d) act as an investment counsel unless he is registered as an investment counsel,

and such registration has been made in accordance with the provisions of this Act and the regulations.

Partnership or company may be registered.

(2) Where a partnership or company is registered as a broker, the members and officials of the partnership, or the officials of the company, as the case may be, other than branch managers or salesmen may act as such without separate registration.

New officials must be approved.

(3) No person who becomes a member or official of a partnership or an official of a company, after the partnership or company has been registered shall trade in securities until the partnership or company has received from the registrar written permission for such person so to trade. R.S.O. 1937, c. 265, s. 7. *Amended.*

Termination of employment of salesman.

(4) The termination of the employment of a salesman with a registered broker shall operate as a suspension of the registration of such salesman until notice in writing has been

received by the registrar from a registered broker of the employment of such salesman. *New.*

8. The registrar may grant or refuse to grant temporary registration or temporary renewal of registration to any applicant therefor and shall forthwith report to the Commission any action taken by him upon any such application. Temporary registration.
R.S.O. 1937, c. 265, s. 9 (1). *Amended.*

9. The Commission shall grant registration or renewal of registration to an applicant where in the opinion of the Commission the applicant is suitable for registration and the proposed registration is not objectionable. Registration.
R.S.O. 1937, c. 265, s. 13 (1). *Amended.*

10. The Commission shall suspend or cancel any registration where in its opinion such action is in the public interest. Suspension, cancellation.
R.S.O. 1937, c. 265, s. 13 (1). *Amended.*

11. Notwithstanding any order of the Commission a further application may be made upon new or other material or where it is clear that material circumstances have changed. Further applications.
R.S.O. 1937, c. 265, s. 13 (3).

12. Every application shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations and a bond in such amount and form, subject to section 21, as may be prescribed by the regulations. Application to be upon forms with proper fees and bonds.
R.S.O. 1937, c. 265, s. 10 (1). *Amended.*

13. Every applicant shall state in the application an address for service in Ontario, and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. Address for service.
R.S.O. 1937, c. 265, s. 10 (2). *Amended.*

14. The registrar may and shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted. Further information.
R.S.O. 1937, c. 265, s. 10 (3).

15.—(1) Registration may, in the absolute discretion of the Commission, be refused to any person either as a broker, investment counsel or salesman who has not been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making Residence.

his permanent home in Ontario, unless at the time of application such person is registered either as a broker, investment counsel or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of such application and is otherwise suitable for registration.

Idem.

(2) Where an applicant for registration is a company or partnership carrying on a brokerage business, registration may, in the absolute discretion of the Commission, be refused, unless every official and director, or member, as the case may be, has been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario or is registered either as a broker, investment counsel or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of such application and is otherwise suitable for registration.

Service in the forces.

(3) For the purposes of this section a person shall not be deemed to cease to reside in Ontario by reason only of his absence from Ontario as a member of His Majesty's armed forces.

Termination and renewal of registration.

16. Every registration and renewal of registration shall lapse on the 31st day of March in each year and every registered broker, investment counsel or salesman shall apply for renewal of registration on or before the 21st day of March giving full particulars of any change in the facts set forth in the latest application form on record, and enclosing the prescribed fee as upon a first application. *New.*

Change in registration of broker.

17.—(1) Every registered broker shall notify the registrar in writing of,—

- (a) any change in the address for service;
- (b) any change in the officials or members in the case of a company or partnership; and
- (c) the commencement and termination of employment of every salesman.

Investment counsel.

(2) Every investment counsel shall notify the registrar in writing of,—

- (a) any change in his address for service; and
- (b) any change in the officials or members in the case of a company or partnership.

(3) Every registered salesman shall notify the registrar in ^{Salesman.} writing of,—

- (a) any change in his address for service; and
- (b) every commencement and termination of his employment by a registered broker. *New.*

18.—(1) The registrar shall cause all cash, cheques, money ^{Registrar to make daily deposit.} orders and postal notes to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund.

(2) Where an application is refused or a registration is ^{Refund.} cancelled the registrar may recommend to the Treasurer of Ontario that a refund of the fee or of such part thereof as he deems fair and reasonable be made and the Treasurer may make such refund. *New.*

EXEMPTION FROM REGISTRATION.

19. Subject to the provisions of the regulations, registration shall not be required in respect of any of the following ^{Exemptions.} classes of trades or securities,—

- (a) a trade in a security taking place at a judicial, ^{Judicial sales.} executor's, administrator's, guardian's or committee's sale, or at a sale by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), a receiver under *The R.S.C.* *Judicature Act* or a liquidator under *The Companies cc. 11, 213; Rev. Stat., cc. 100, 251.* *Act* or the *Winding-up Act* (Canada);
- (b) an isolated trade in a specific security by or on ^{Isolated trans- actions by owner.} behalf of the owner, for the owner's account, where such trade is not made in the course of continued and successive transactions of a like character, and is not made by a person whose usual business is trading in securities;
- (c) a trade where one of the parties is a bank to which ^{Banks, loan, trust and insurance companies, public officials.} *The Bank Act* (Canada) applies, or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or is an official or employee in the performance of his duties as such of His Majesty in right of Canada or of any province or territory of Canada, or of any municipal corporation or public board or commission in Canada; ^{1934, c. 24, (Canada.) Rev. Stat., cc. 257, 256.}

Sale of
pledged
security.

- (d) a trade by or for the account of a pledgee or mortgagee for the purpose of liquidating a *bona fide* debt by selling or offering for sale or delivering in good faith in the ordinary course of business a security pledged in good faith as security for such debt;

Stock
dividends,
distribution
of earnings.

- (e) the distribution, issuance or sale by a company exclusively to the holders of its securities of capital stock, bonds or other securities as a stock dividend or other distribution out of earnings or surplus, or in the process of a *bona fide* reorganization of the company, or of additional securities where no commission or other remuneration is paid or given in connection therewith;

Exchange
on merger.

- (f) the exchange by or on account of one company with another company or the holders of the securities of such other company of its own securities in connection with a consolidation, amalgamation or merger of either company;

Government
securities.

- (g) securities of or guaranteed by any government in the British Commonwealth of Nations or any colony or dependency thereof, or of or guaranteed by the government of any foreign country or state forming a portion of such foreign country;

Trust.

- (h) securities in which trust funds may lawfully be invested in Ontario;

Secured
bonds.

- (i) securities secured by mortgage upon real estate or tangible personal property where all of the securities are sold at the one time;

Negotiable
paper.

- (j) negotiable promissory notes or commercial paper maturing not more than a year from the date of issue;

Securities
based upon
conditional
sales.

- (k) securities evidencing indebtedness due under any contract made pursuant to the provisions of any statute of any province of Canada providing for the acquisition of personal property under conditional sale contracts;

Shares of
non-profit-
sharing
companies.

- (l) securities issued by a person or company organized exclusively for educational, benevolent, fraternal, charitable, religious or recreational purposes and not for pecuniary profit, where no part of the net earnings thereof enure to the benefit of any security holder;

- (m) securities issued by corporations operated on a co-operative basis as defined by Part XII of *The Companies Act*; Co-operative corporations. Rev. Stat., c. 251.
- (n) shares of a credit union within the meaning of *The Credit Unions Act, 1940*; Shares of credit union. 1940, c. 7.
- (o) securities traded by a company with its employees who are not induced to trade by expectation of employment or continued employment; Company stock sales to employees.
- (p) the issuance of its own securities by a private company where such securities are not offered for sale to the public; Securities of private company.
- (q) trades in securities which may occasionally be transacted by employees of a registered broker where such employees do not usually sell securities to the public and have been temporarily designated by the registrar as "non-trading" employees, either individually or as a class; Non-trading employees' transactions.
- (r) trades between a person or company and an underwriter, optionee, sub-underwriter or sub-optionee in securities issued by such person or company and trades in such securities between or among underwriters, optionees, sub-underwriters and sub-optionees; Trades between issuer and underwriter.
- (s) trades in good faith by an actual prospector of a security issued by him for the purpose of financing a prospecting expedition, or for the purpose of disposing of any of his interest in a mining claim or property staked by or wholly or partly owned by him; Prospector's "grub stake" or share in claim.
- (t) trades in good faith by an actual prospector who staked or participated in the staking of the claims belonging to or to be acquired by the syndicate, of a security issued by a prospecting syndicate within the meaning of subsections 1 and 2 of section 2 of *The Prospecting Syndicate Agreements Act, 1945*, the prospecting syndicate agreement of which is filed thereunder, where the prospector delivers a copy of the prospecting syndicate agreement to the person purchasing the security before accepting payment therefor; or Syndicate units, sale by prospector. 1945, c. 16.

Trades or securities exempted by regulations.

- (u) any class of trade or security specifically exempted by the regulations. R.S.O. 1937, c. 265, s. 8; 1940, c. 25, s. 1. *Amended.*

Floor traders.

20.—(1) A person shall not require to be registered by reason only of trades made by him as a floor trader upon the floor of a stock exchange.

Non-trading employees.

(2) The registrar may designate as "non-trading" any employee or class of employees of a registered broker who do not usually sell securities to the public, but such designation shall be temporary only and may be cancelled as to any employee or class of employees where the registrar is satisfied that any such employee or member of any such class of employees should be required to apply for registration as a salesman. *New.*

FORFEITURE OF BOND

Forfeiture of bond.

21.—(1) Any bond mentioned in section 12 shall be forfeit and the amount thereof shall become due and owing by the person or company bound thereby as a debt due His Majesty in right of Ontario where,—

(a) the broker or investment counsel, including any official of a company or member of a partnership, or salesman in respect of whose conduct the bond is conditioned has been convicted of,

(i) an offence under this Act,

(ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada), or

(iii) an offence in connection with a transaction relating to securities under the *Criminal Code* (Canada);

R.S.C.,
c. 36.

(b) judgment based on a finding of fraud has been given against the broker or investment counsel, including any official of a company or member of a partnership, or salesman, in respect of whose conduct the bond is conditioned; or

(c) proceedings by or in respect of a broker or investment counsel, including any official of a company or member of a partnership, or salesman, in respect of whose conduct the bond is conditioned, have been taken under the *Bankruptcy Act* (Canada) or by way of

R.S.C.,
c. 11.

winding up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made,

and upon conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken. R.S.O. 1937, c. 265, s. 12 (1). *Amended.*

(2) Every bond shall continue in force for a period of two years after the registration to which it relates lapses or is cancelled. *New.*

Term of bond.

22. Where His Majesty becomes a creditor of any person or company in respect of a debt to the Crown arising from the provisions of section 21, the Commission may take such proceedings as it shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be. R.S.O. 1937, c. 265, s. 12 (4). *Amended.*

Proceedings to enforce forfeiture.

R.S.C., c. 11; Rev. Stat., c. 100, 251; R.S.C., 213.

23. The Lieutenant-Governor in Council may direct the Treasurer of Ontario to assign any bond forfeited under section 21 or to pay over any moneys recovered thereunder to any person or to the accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the person or company bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person or company, as the case may be. R.S.O. 1937, c. 265, s. 12 (3): *Amended.*

Assignment of bond or payment of moneys to creditors.

24. Where a bond has been forfeited under section 21 by reason of a conviction or judgment under clause *a* or *b* thereof and the Commission has not within two years of such conviction or judgment having become final, or of the broker, investment counsel or salesman in respect of whom the bond was furnished ceasing to carry on business as such, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the broker, investment counsel or salesman, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such broker, investment counsel or salesman. *New.*

Where no claims against proceeds of bond.

INVESTIGATION AND ACTION BY COMMISSION

Order to
investigate.

25.—(1) Where upon a statement made under oath it appears probable to the Commission that any person or company has,—

- (a) violated any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in securities,

R.S.C.,
c. 36.

the Commission may by order appoint any person, including any official of the Commission, to make such investigation as it deems expedient for the due administration of this Act and in such order shall determine and prescribe the scope of the investigation. R.S.O. 1937, c. 265, s. 14 (1). *Amended.*

Idem.

(2) For the purposes of any investigation ordered under subsection 1 the person appointed to make the investigation may investigate, inquire into and examine,—

Scope of
investigation.

- (a) the affairs of the person or company in respect of whom or which the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person or company and into any property, assets or things owned, acquired or alienated in whole or in part by such person or company or by any person or company acting on behalf of or as agent for such person or company; and
- (b) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to, or in connection with any such person or company and into the relationship which may at any time exist or have existed between such person or company and any other person or company by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship. R.S.O. 1937, c. 265, s. 14 (1, 2). *Amended.*

(3) For the purposes of subsections 1 and 2 the person making the investigation shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,—

Power to
summon wit-
nesses and
require
production.

(a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply;

(b) no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;

(c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client; and

(d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section. R.S.O. 1937, c. 265, s. 14 (3). *Amended.*

Rev. Stat.,
c. 119.

(4) Where an investigation is ordered under this section the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person or company the affairs of whom or which are being investigated. *New.*

Seizure of
property.

(5) Where an investigation is ordered under this section the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company the affairs of whom or which are being investigated. R.S.O. 1937, c. 265, s. 14 (5). *Amended.*

Accountants;
other
experts.

(6) Every person appointed under subsection 1 or 5 shall report the result of his investigation or examination to the Commission. *New.*

Report of
investiga-
tion.

26. Where upon the report of an investigation made under section 25 it appears to the Commission that any person or company may have,—

Report to
Attorney-
General.

(a) violated any of the provisions of this Act or the regulations; or

(b)

- (b) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to securities,

the Commission shall send a full and complete report of such investigation including the report made to it, any transcript of evidence and any material in the possession of the Commission relating thereto, to the Attorney-General. *New.*

Investigation under order of Attorney-General.

27. Notwithstanding the provisions of section 25, the Attorney-General may by order appoint any person, including any official of the Commission, to make an investigation into any matter relating to a trade in securities, in which case the person so appointed shall for the purposes of the investigation have the same authority, powers, rights and privileges as a person appointed under section 25. R.S.O. 1937, c. 265, s. 14 (4). *Amended.*

Evidence not to be disclosed.

28. No person other than the Commission, the registrar, a person appointed by the Commission under section 25 or a person appointed by the Attorney-General under section 27, shall without the consent of one of them, disclose any information or evidence obtained or the name of any witness examined or sought to be examined under section 25 or 27. R.S.O. 1937, c. 265, s. 14 (7). *Amended.*

Reporting to Attorney-General,—publication of report.

29. Where an investigation has been made under section 25, the Commission may, and where an investigation has been made under section 27 the person making the investigation shall, report the result thereof including the evidence, findings, comments and recommendations, to the Attorney-General and the Attorney-General may cause such report to be published in whole or in part in such manner as he deems proper. R.S.O. 1937, c. 265, s. 14 (8). *Amended.*

Order to hold or refrain from dealing with funds.

30.—(1) The Commission may,—

- (a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 25 or 27; or
- (b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or

any trade therein, or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safe keeping any funds or securities of the person or company referred to in clause *a* or *b*, to hold such funds or securities or direct the person or company referred to in clause *a* or *b* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safe keeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act* (Canada), *The R.S.C., c. 11.*
Judicature Act, *The Companies Act* or the *Winding-up Act* (Canada), or until the Commission in writing revokes such *Rev. Stat., co. 100, 251.*
direction or consents to release any particular fund or security *R.S.C., c. 213.*
from such direction, provided that no such direction shall apply to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction. R.S.O. 1937, c. 265, s. 17 (1). *Amended.*

(2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person or company not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such funds or security and may make such order as to costs as may seem just. *Application for direction.*

(3) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Commission may in writing or by telegram notify any registrar of deeds or master of titles or any local master of titles or any mining recorder that proceedings are being or are about to be taken which may affect land or mining claims belonging to the person or company referred to in the notice which notice shall be registered against the lands or claims mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens*, save that the Commission may in writing revoke or modify such notice. R.S.O. 1937, c. 265, s. 17 (2, 3). *Notice to registrars of deeds or masters of titles.*

STOCK EXCHANGES.

31. No person or company shall carry on business as a stock exchange without the consent in writing of the Commission. *New.* *Stock exchanges*

Record

32. Every stock exchange shall keep a record showing the time at which each transaction on such exchange took place and shall supply to any customer of any member of such exchange, upon production of a written confirmation of any transaction with such member, particulars of the time at which such transaction took place and verification or otherwise of the matters set forth in such confirmation. R.S.O. 1937, c. 265, s. 20.

AUDITS.

Panel of
brokers'
auditors.

33. The executive committee of every stock exchange shall,—

- (a) select a panel of accountants each of whom shall have practised as such in Ontario for not less than five years and shall be known as a brokers' auditor; and
- (b) employ an exchange auditor who shall be an accountant who has practised as such in Ontario for not less than ten years. R.S.O. 1937, c. 265, s. 22. *Amended.*

Allotment
of audits.

34. The executive committee shall allot to each brokers' auditor the persons or companies, whether members of or represented upon the exchange, which are to be audited by him, and all of the expenses of every audit shall be paid to the brokers' auditor by the executive committee, subject to full repayment forthwith by the person or company audited, and until such repayment is made the executive committee shall have a lien upon the seat belonging to or controlled by the person or company so indebted to the executive committee. R.S.O. 1937, c. 265, s. 23.

Duties of
auditor.

35.—(1) Every brokers' auditor shall in each year audit the assets and liabilities as at a permanent date in each year fixed by the executive committee and prepare a balance sheet showing the position at such date of the business and affairs of each person or company allotted to him, and shall also make such further audit and prepare such further statements and make such further reports as the exchange auditor may deem advisable or as the executive committee may direct, and no warning or notice shall in any way be given of any audit other than that of the permanent date.

Furnishing
information
to auditor.

(2) Notwithstanding anything contained in subsection 1 every person or company being a member of or represented upon any stock exchange shall furnish to the exchange auditor on a date in each year fixed by the executive committee a completed statement in the form approved by the Commission. 1942, c. 33, s. 1, *part.* *Amended.*

36. An executive committee may require any brokers' auditor to make any general or special audit or report upon the whole or any aspect of the business or affairs of any person or company who is or has been a members of or in any way represented upon the exchange. R.S.O. 1937, c. 265, s. 25. *Amended.*

Special
audit.

37. Every brokers' auditor, for the purpose of any audit under section 35 or 36 shall be entitled to free access to all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company being audited, and no person or company shall withhold, destroy, conceal or refuse to give any information or thing reasonably required by the auditor for the purpose of his audit. R.S.O. 1937, c. 265, s. 26. *Amended.*

Powers of
auditors.

38. Every brokers' auditor during or upon the completion of every statement and audit under section 35 or 36 shall send a copy of every report whether interim or final to the exchange auditor and shall in addition specially report to such auditor any particular information which may be required under the by-laws, rules or regulations of the exchange and any further information which the brokers' auditor deems to be in the public interest so to report, and the exchange auditor shall summarize all information so received and report thereon to the executive committee for scrutiny, identifying the person or company affected thereby by number only until the executive committee decides to take action in respect of any such person or company, or until the exchange auditor thinks it advisable in the public interest or in the interests of the exchange to disclose such name to the executive committee, and the exchange auditor may, in any report, make such recommendations as he thinks advisable. R.S.O. 1937, c. 265, s. 27.

Auditors'
reports.

39. Any person designated in writing by an executive committee may examine under oath any member of the exchange or any officer of any company represented thereon, or any associate or employee of any such person or company upon any matter arising out of any report of a brokers' auditor and for the purposes of such inquiry the person so designated shall have all the powers of a person appointed by the Commission to make an investigation under section 25. R.S.O. 1937, c. 265, s. 28.

Power to
examine.

40. Any executive committee may in writing require any person or company whose affairs have been audited or are being audited to alter, supplement or replace any system of book or record keeping or the course or method of handling securities, borrowing moneys or generally conducting business, in any manner or to alter or dispense with any financial arrangement or business association or affiliation, direct or

Change of
accounting
system or
business
connection.

indirect, of which the executive committee disapproves, and to comply with any recommendation made by the exchange auditor and any requirement of such executive committee. R.S.O. 1937, c. 265, s. 29.

Failure to comply.

41. Every person or company, a member of or represented upon any stock exchange, shall comply with every requirement of the executive committee of the exchange, or any person designated by it under section 39 and failure to comply with any such requirement shall entitle the executive committee to suspend such person or member representing such company for such period as the executive committee shall determine. R.S.O. 1937, c. 265, s. 30. *Amended.*

Annual financial statement,—
filing of.

42.—(1) Every broker not subject to audit under sections 33 to 41 shall keep such books and records as may be required by the regulations and shall file with the registrar annually and at such other times as the registrar may require a financial statement satisfactory to the registrar as to the financial position of the broker, certified by the broker or by two of the partners or officials thereof, and by an independent accountant and such other information as the registrar may require in such form as he may prescribe. R.S.O. 1937, c. 265, s. 32. *Amended.*

Exception.

(2) A broker who is a member of a brokers' association designated by the Commission shall not be required to file with the registrar any financial statement under this section if the assets and liabilities of such broker are audited annually by an accountant who has practised in Canada for at least five years and are reported to an auditor satisfactory to the Commission. *New.*

Auditor,—
appointment of.

43.—(1) The Commission or any person to whom as its representative it may in writing delegate such authority may at any time make an audit of the assets and liabilities of any broker and prepare a balance sheet as of the date of such audit.

Access to
books,
securities,
etc.

(2) The Commission or any person making an audit under this section shall be entitled to free access to all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the broker being audited and no person or company shall withhold, destroy, conceal or refuse to give any information or thing reasonably required by the auditor for the purpose of the audit.

Fees.

(3) The Commission may charge such fees as may be prescribed by the regulations for any audit made under this section. *New.*

APPEALS.

44. A notice of every direction, decision, order or ruling of the Commission,—

Notice of
direction,
decision,
etc.

- (a) granting or refusing to grant registration to or renewing, refusing to renew, suspending, cancelling or changing the registration of any broker, investment counsel or salesman; or
- (b) regarding trading or the right to trade in securities or any conditions or restrictions relating thereto,

shall be served upon the applicant, broker, investment counsel or salesman whose registration is thereby affected or to such other person as in the opinion of the Commission is primarily affected by the direction, decision, order or ruling, at the address appearing in the application or upon the records of the Commission. 1941, c. 53, s. 3, *part*.

45.—(1) Any person upon whom a notice is served under section 44 or any other person who is primarily affected by any such direction, decision, order or ruling may, by notice in writing served upon the registrar within thirty days after the mailing of the notice, request a hearing and review by the Commission of the direction, decision, order or ruling.

Review by
Commission.

(2) Where a hearing and review is requested under subsection 1 the registrar shall serve a notice in writing of the time and place thereof to the person requesting the hearing and review and to such other person as in the opinion of the Commission is primarily affected by the hearing, stating the date and place thereof.

Notice of
hearing.

(3) Upon a review the Commission may hear such evidence as may be submitted to it by the person requesting the review or by any other person and which in the opinion of the Commission is relevant to the review but shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Commission shall form the record.

Evidence.

(4) Upon a review the Commission may by order confirm or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as a majority of the members of the Commission deem proper.

Power on
review.

(5) A notice of the order made upon every review shall be served forthwith upon the person requesting the review and

Notice of
order or
review.

to such other person as in the opinion of the Commission is primarily affected by such order. *New.*

Appeal to
Supreme
Court.

46.—(1) Where the Commission has reviewed a direction, decision, order or ruling under section 45 any person upon whom a notice is served under subsection 5 of section 45 or any other person who is primarily affected by any such direction, decision, order or ruling or by the order made upon the review, may appeal to a justice in appeal of the Supreme Court. 1941, c. 53, s. 3, *part.* *Amended.*

Form of
appeal.

(2) Every appeal shall be by notice of motion served upon the registrar within thirty days after the mailing of the notice under subsection 5 of section 45 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act. 1941, c. 53, s. 3, *part.* *Amended.*

Certifi-
cate of
registrar.

(3) The registrar shall certify to the registrar of the Supreme Court of Ontario,—

- (a) the direction, decision, order or ruling which has been reviewed by the Commission;
- (b) the order of the Commission upon the review, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to the Commission or other material which in the opinion of the registrar are relevant to the appeal. 1941, c. 53, s. 3, *part.* *Amended.*

Counsel.

(4) The Attorney-General may designate counsel to assist the Court upon the hearing of any appeal which is taken under this section. *New.*

Order of
Court.

47. Where an appeal is taken under section 46 the Court may by its order direct the Commission to make such direction, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Commission shall make such direction, decision, order or ruling or do such act accordingly. 1941, c. 53, s. 3, *part.* *Amended.*

48. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Commission shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 44 to 47. 1941, c. 53, s. 3, *part. Amended.*

Further
direction,
etc.

REGULATION OF TRADING.

49.—(1) No broker or salesman shall trade in any security either on his own account or on behalf of a person or company where such trade would be in the course of a primary distribution to the public of the security until,

Trades in
primary
distributions.

(a) a clear and concise statement in the form prescribed by the regulations dated and signed by every person who is, at the time of the filing, a director or promoter of the person or company issuing the security or an underwriter or optionee of the security, containing a full, true and plain disclosure of all material facts including details of all options and any other information that may be prescribed by the regulations, has been filed with the Commission and a written receipt therefor received from the registrar; and

(b) such broker, or in the case of a salesman, the broker by whom he is employed, has notified the Commission in writing of his intention to engage in such primary distribution to the public.

(2) Any director, promoter, underwriter or optionee may sign a statement required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such statement the Commission may dispense with the requirement for his signature.

Signing
by agent;
non-avail-
ability of
director.

(3) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any statement filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee.

Responsi-
bility of
underwriter;
optionee.

(4) In the case of a company which has been carrying on business for more than one year prior to the date of

Balance
sheet,
profit and
loss
statement.

the statement, a balance sheet and profit and loss statement of the company, or if the company has any subsidiaries, unless the Commission otherwise directs, a consolidated balance sheet and profit and loss statement of the company and all its subsidiaries, certified by the company's auditors, as at the end of the last completed financial year of the company or as at a date not more than one hundred and twenty days prior to the date of the statement, whichever is the later date, or as at such other date as the Commission may approve where the Commission is satisfied that a balance sheet and profit and loss statement or a consolidated balance sheet and profit and loss statement, as the case may be, as at such date fairly represents the financial position of the company or the company and its subsidiaries, as the case may be, at the date of such approval, shall accompany the statement under subsection 1.

Report on
mining
companies.

(5) Where the securities to be traded consist of shares of a mining company a full and up-to-date report on the property of the company and the development thereof made by a person who in the opinion of the Commission is a qualified mining engineer, geologist or prospector certified by such person stating,—

- (a) the address and occupation of such person;
- (b) the qualifications of such person;
- (c) any interest which such person may have either directly or indirectly or which he may expect to receive either directly or indirectly in the property or securities;
- (d) whether or not the report is based on personal examination;
- (e) the date of any such examination; and
- (f) where not personally examined the source of information contained in the report,

shall accompany the statement required under subsection 1.

Correc-
tions.

(6) Where a change occurs during the period of primary distribution to the public in any material fact contained in any statement, balance sheet, profit and loss statement or report filed under this section, which is of such a nature as to render such statement, balance sheet, profit and loss

statement or report misleading, a new or correcting statement, balance sheet, profit and loss statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the new statement shall be required to be signed only by the signatories to the original statement and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original statement the decision of the Commission as to who shall be required to sign the new statement or as to any like matter shall be final.

(7) This section shall not apply to the sale of any securities, Exemptions.

- (a) which come within the classes of trades or securities which are exempt from registration;
- (b) which are listed and posted for trading on any recognized stock exchange where such securities are sold through such stock exchange;
- (c) which are traded or sold to the public except in the primary distribution to the public thereof; or
- (d) from one broker to another broker where the purchasing broker is acting as principal.

50.—(1) Where doubt exists whether any trade proposed or intended to be made in a security would be in the primary distribution to the public of the security, the Commission may, upon the application of any of the parties thereto, determine whether the proposed or intended trade would be in the course of the primary distribution to the public of the security and rule accordingly and such ruling shall be final and there shall be no appeal therefrom. Doubt as to nature of trade.

(2) Where doubt exists whether a primary distribution to the public of any security, Doubt as to primary distribution.

- (a) has been concluded; or
- (b) is currently in progress

the Commission may determine the question and rule accordingly and such ruling shall be final and there shall be no appeal therefrom.

51.—(1) Where a person or company proposing to make a primary distribution to the public of previously distributed securities, Previously distributed securities, information re:

securities of any person or company is unable to obtain from the person or company who or which is the issuer of such securities information or material which is necessary for the purpose of complying with section 49, the Commission may order the person or company who or which is the issuer of the securities to furnish to the person or company who or which proposes to make the distribution such information and materials as the Commission deems necessary for the purposes of the distribution upon such terms and subject to such conditions as it deems proper and all such information and material may be used by the person or company to whom it is furnished for the purposes of complying with this Act.

inability
to obtain
signatures.

(2) Where a person or company proposing to make a primary distribution to the public of previously distributed securities of any person or company is unable to obtain any or all of the signatures to the statement as required by subsection 1 of section 49 or otherwise to comply with section 49, the Commission may, upon being satisfied that all reasonable efforts have been made to comply with the section and that no person is likely to be prejudicially affected by the failure to comply, make such order waiving any of the provisions of the section as it deems advisable upon such terms and subject to such conditions as it deems proper.

Acceptance;
refusal, of
statement.

52. The Commission may in its discretion accept for filing any statement or correcting statement, balance sheet, profit and loss statement or report submitted for filing under section 49 and direct the registrar to issue a receipt therefor unless it appears to the Commission that,—

- (a) the statement or any balance sheet, profit and loss statement or report which is required to accompany the statement,
 - (i) fails to comply in any substantial respect with any of the requirements of section 49;
 - (ii) contains any statement, promise or forecast which is misleading, false or deceptive; or
 - (iii) has the effect of concealing material facts;
- (b) an unconscionable consideration has been paid or given or is intended to be paid or given,
 - (i) for promotional purposes; or
 - (ii) for the acquisition of property; or

- (c) the proceeds from the sale of the securities which are to be paid into the treasury of the company, together with other resources of the company, are insufficient to accomplish the objects indicated in the statement; or
- (d) such escrow or pooling agreement as the Commission deems necessary or advisable with respect to securities issued for a consideration other than cash has not been entered into.

53. Where the Commission decides not to accept for filing a statement submitted for filing under section 49, it shall forthwith cause notice of such decision to be served upon the person who or company which has submitted the statement for filing. Notice of refusal.

54.—(1) Where it appears to the Commission subsequent to the filing of a statement or amended statement under section 49 and the issue of a receipt therefor that any of the circumstances set out in section 52 exist, it may order that all trading in the primary distribution to the public of the securities to which such statement relates, shall cease. Order to cease trading.

(2) A notice of every order made under this section shall be served upon the person who or company which filed the statement and to every broker who has notified the Commission of his intention to engage in the primary distribution to the public of the securities and forthwith upon the receipt of the notice, Notice of order.

- (a) no further trades shall be made in the primary distribution to the public of the securities named in the order by any person, company or broker; and
- (b) the statement or amended statement in question shall for the purposes of this Act be deemed not to be filed with the Commission and any receipt received therefor shall be deemed to be revoked.

(3) Where a notice is sent by prepaid mail under subsection 2 it shall be presumed to be received by the person, company or broker to whom it is addressed in the ordinary course of post. Presumption of receipt.

55. Before entering into a contract for the sale of any security to which section 49 is applicable and before accepting payment or receiving any security under any such contract or in anticipation of the making of such a contract, a broker or salesman shall deliver or cause to be delivered to the Delivery of statement to purchaser.

purchaser a written or printed copy of the last statement corrected in accordance with any correcting statement filed with the registrar together with,—

- (a) a copy of the balance sheet and profit and loss statement, with any corrections, where a balance sheet and profit and loss statement are required to be filed; and
- (b) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where such a report is required to be filed. *New.*

Rescission
of contract.

56.—(1) A person who has entered into a contract to which section 55 applies shall be entitled to rescission of the contract where,

- (a) section 55 has not been complied with;
- (b) written notice of exercising the right of rescission is served on the broker or salesman within,
 - (i) sixty days of the date of the delivery of the securities to the purchaser, or
 - (ii) sixty days of the date of the delivery of a copy of the statement, and balance sheet and profit and loss statement and summary of report, where required,

whichever is the earlier date; and

- (c) the purchaser is still the owner of the security.

Onus.

(2) In an action for rescission to which this section applies the onus of proving compliance with section 55 shall be upon the broker or salesman.

Period of
limitation.

(3) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1. *New.*

Term of
contract
declared
unreason-
able.

57. No term in a contract between a broker who acts as an agent and a customer relating to any right of the broker in respect of any security shall be binding upon the customer where the Commission by notice in writing sent by registered mail to the broker and to every stock exchange operating in Ontario has declared such right to be unreasonable. R.S.O. 1937, c. 265, s. 19 (2).

58. Every broker who has acted as agent for a customer in the purchase or sale of a security upon a stock exchange shall promptly send or deliver to the customer a written confirmation of the transaction setting forth,—

Confirmation to customers.

- (a) the quantity and description of the security;
- (b) the consideration;
- (c) the name of the person or company from or to or through whom the security was bought or sold;
- (d) the day, and the name of the stock exchange, upon which the transaction took place; and
- (e) the commission charged in respect of such purchase or sale. R.S.O. 1937, c. 265, s. 19 (1). *Amended.*

59. Every broker who has acted either as principal or agent in connection with any trade in a security other than a trade upon a recognized stock exchange shall promptly send to each customer a written confirmation of the transaction setting forth,—

Confirmation of unlisted trades.

- (a) the quantity and description of the security;
- (b) the consideration;
- (c) whether or not the broker is acting as principal or agent;
- (d) where the broker is acting as agent the commission received or to be received from the vendor or purchaser or both;
- (e) the name of the salesman, if any, in the transaction; and
- (f) the day upon which the transaction took place. *New.*

60.—(1) No person shall,—

Calling at or telephoning residence.

- (a) call at any residence; or
- (b) telephone from within Ontario to any residence within or outside of Ontario,

for the purpose of trading in any security with any member of the public.

Exceptions.

(2) Subsection 1 shall not apply,—

(a) where the person calls at or telephones to the residence,

(i) of a close personal friend, a business associate or a customer with whom or on whose behalf the person calling or telephoning has been in the habit of trading in securities which are not exempt from registration under this Act, or

(ii) of a person who has requested in writing that information respecting any security be furnished him by the person so calling or telephoning, but in such case the person so calling or telephoning shall call or telephone only in reference to such security; or

(b) to the sale of any securities which are exempt from registration under this Act.

**"Residence",
meaning of.**

(3) In this section "residence" shall include any building or part of a building in which the occupant resides either permanently or temporarily and any premises appurtenant thereto. *New.*

**Prohibition
of repre-
sentations.**

61.—(1) No broker or salesman, with the intention of effecting a trade in a security, shall make any representation, written or oral, that he or any person or company

(a) will resell or repurchase;

(b) will list or make application to list or has made application to list upon any stock exchange, except with the written permission of the Commission; or

(c) will refund all or any of the purchase price of,

any security in which he is trading.

Guarantees.

(2) No broker or salesman, with the intention of effecting a trade in a security, shall give any undertaking, written or oral, relating to the future value or price of any security with respect to which he is acting as a broker or salesman. *New.*

**Notice where
acting as
principal.**

62.—(1) Where a broker,

(a) with the intention of effecting a trade in a security,

(i) issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, or

- (ii) either personally or through his salesman makes a verbal offer or invitation for an offer to any person; and

(b) proposes to act in such trade as a principal,

he shall so indicate in such circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of any such securities and before accepting payment or receiving any securities or other consideration under or in anticipation of any contract for the sale or purchase of any security mentioned in clause *a*.

(2) A statement made in compliance with subsection 1 that a broker proposes to act as a principal in connection with a trade in securities shall not prevent such broker from acting as an agent in connection with a trade in such securities. *New.*

63.—(1) A person who has entered into a contract to which section 62 applies shall be entitled to rescission of the contract where, ^{Rescission of contract.}

(a) section 62 has not been complied with; and

(b) written notice of exercising the right of rescission is served on the broker within sixty days of the date of the delivery of the security to or by such person as the case may be; and

(c) in the case of a purchase by such person, he is still the owner of the security purchased.

(2) In an action for rescission to which this section applies ^{Onus.} the onus of proving compliance with section 62 shall be upon the broker.

(3) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1. ^{Period of limitation.} *New.*

64. Every investment counsel shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter and telegram issued, published or sent by him, in type not less legible than that used in the body of the circular, letter, pamphlet or publication, a full and complete statement of any financial or other interest which he may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof including,— ^{Investment counsel's financial interest.}

(a) any ownership which he may have in such securities or in any securities issued by the same person or company;

- (b) any option which he may have in respect of such securities, and the terms thereof;
- (c) any commission or other remuneration which he has received or may expect to receive from a broker or salesman or otherwise in connection with any trade in such securities;
- (d) any financial arrangement which he may have with any broker or salesman relating to such securities; and
- (e) any financial arrangement which he may have with any underwriter or other person who has any interest in the securities. *New.*

Publication
of names of
officials.

65. Every partnership or company registered as a broker shall publish the names of every person having an interest, either directly or indirectly, to the extent of not less than ten per centum in the capital of the partnership or company, as the case may be, on all letterheads, circulars and other stationery upon which the name of the partnership or company appears and which contains any offer or solicitation respecting a trade in securities. *New.*

Broker
corres-
pondents.

66. No broker shall use the name of another broker on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he is a partner or agent of the other broker. *New.*

Registration
necessary
before
trading.

67. No broker or salesman shall trade in securities until notified in writing by the registrar that he is registered. *New.*

Registration
not to be
advertised.

68. No broker, investment counsel or salesman shall hold himself out as being registered under this Act by having printed upon his letter-head, circular or other stationery that he is so registered. *New.*

Holding out
by un-
registered
persons.

69. A person or company which is not registered under this Act shall not, either directly or indirectly, hold himself or itself out as being so registered. *New.*

Advertising
Commis-
sion's
approval.

70. No person or company shall make any representation, written or oral, that the Commission has in any way passed upon the financial standing, fitness or conduct of any broker, security issuer, investment counsel or salesman or upon the merits of any security. *New.*

Salesman
trading
for other
brokers.

71. No salesman shall trade in any security on behalf of any broker other than the broker who, according to the records of the Commission, is his employer. *New.*

Employing
unregistered
salesmen.

72. No broker shall employ, permit or engage any unregistered salesman to trade in securities. *New.*

73.—(1) Where a person, or a member or employee of a partnership, or a director, officer or employee of a company after he, or the partnership or company has contracted as a broker with any customer to buy and carry upon margin any securities of any person or company either in Canada or elsewhere, and while such contract continues sells or causes to be sold, securities of the same person or company for any account in which,—

- (a) he;
- (b) his firm or a partner thereof; or
- (c) the company or a director thereof,

has a direct or indirect interest, if the effect of such sale shall, otherwise than unintentionally, be to reduce the amount of such securities in the hands of the broker or under his control in the ordinary course of business below the amount of such securities which he should be carrying for all customers, any such contract with a customer shall at the option of such customer be void, and the customer may recover from the broker all moneys paid with interest thereon or securities deposited in respect thereof.

(2) The customer may exercise such option by a registered letter to that effect addressed to the broker at his address for service in Ontario. R.S.O. 1937, c. 265, s. 18.

OFFENCES AND PENALTIES.

74.—(1) Every person, including any officer, director, official or employee of a company, who is knowingly responsible for,—

- (a) any fictitious or pretended trade in any security;
- (b) any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser or the vendor of any security as to the nature of any transaction or as to the value of such security;
- (c) the making of any material false statement in any application, information, statement, material or evidence submitted or given to the Commission, its representative, the registrar or any person appointed to make an investigation under this Act, under the provisions of this Act or the regulations;

- (d) the furnishing of false information in any statement, return, balance sheet or other document required to be filed or furnished under this Act or the regulations;
- (e) the commission of any act or failure to perform any act where such commission or failure constitutes a violation of any provision of this Act or the regulations; or
- (f) failure to observe or comply with any order, direction or other requirement made under this Act or the regulations,

shall be liable to a penalty of not more than \$2,000 or to imprisonment for a term not exceeding one year or both. R.S.O. 1937, c. 265, s. 36 (1). *Amended.*

Companies.

(2) The provisions of subsection 1 shall be deemed to apply *mutatis mutandis*, to any company save that the money penalties may be increased in the discretion of the magistrate to a sum not exceeding \$25,000. R.S.O. 1937, c. 265, s. 36 (2).

Consent
before
action.

75.—(1) No proceedings under section 74 shall be instituted except with the consent or under the direction of the Attorney-General.

Time for
commence-
ment of
action.

(2) No proceedings under section 74 shall be commenced more than six months after the facts upon which the proceedings are based first came to the knowledge of the Commission. R.S.O. 1937, c. 265, s. 36 (3, 4). *Amended.*

Recovery of
penalties.
Rev. Stat.,
c. 136.

76. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 265, s. 36 (1), *part.*

GENERAL PROVISIONS.

No action,
etc., against
persons
administer-
ing Act.

77. Except with the consent of the Attorney-General no action whatever and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted

- (a) against any person whether in his public or private capacity, or against any company in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the regulations where such person is a member of the Commission, a representative of the Commission or the registrar, or where such person or company was proceeding under the written or verbal direction or consent of any one of them or under an order of the Attorney-General made under the provisions of this Act; or

- (b) against any stock exchange, executive committee or any member thereof, or any person designated by it under section 39 or against any brokers' auditor or exchange auditor in respect of any Act or proceeding under the provisions of sections 33 to 43. R.S.O. 1937, c. 265, ss. 31, 34. *Amended.*

78. The Lieutenant-Governor in Council may make regu- Regulations.
lations,—

- (a) prescribing requirements respecting applicants for registration;
- (b) regulating the listing and trading of securities and records relating thereto;
- (c) governing the furnishing of information by brokers, investment counsel and salesmen to the public in connection with securities or trades therein;
- (d) governing the keeping of accounts and records and the preparation and filing of financial statements of the affairs of brokers not represented upon any stock exchange;
- (e) designating any person or company or any class of persons or companies which shall be deemed not to be investment counsel;
- (f) prescribing the officials of a company or partnership which trades in securities who shall be deemed to be brokers within the meaning of this Act;
- (g) prescribing the fees payable to the Commission, including fees for filing, fees upon applications for registration, fees in respect of audits made by the Commission and other fees in connection with the administration of this Act and regulations;
- (h) prescribing the amount and form of bonds to be furnished to the Commission by applicants for registration;
- (i) prescribing the form, contents and other particulars relating to statements, agreements and other information required to be filed, furnished or delivered under this Act and the regulations;
- (j) prescribing the practice and procedure upon investigations under sections 25 and 27;

- (k) prescribing the forms for use under this Act and the regulations;
- (l) prescribing classes of trades or securities, in addition to the classes of trades and securities mentioned in section 19, which shall be exempt from registration;
- (m) prescribing classes of trades or securities mentioned in section 19 which shall cease to be exempt from registration;
- (n) prescribing terms and conditions which shall be contained in an escrow or pooling agreement with respect to securities issued for a consideration other than cash; and
- (o) generally for the better carrying out of the provisions of this Act and for the more efficient administration thereof. R.S.O. 1937, c. 265, s. 35. *Amended.*

Certificate
as evidence.

79. A statement as to,—

- (a) the registration or non-registration of any person or company;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Commission; or
- (c) any other matter pertaining to such registration, non-registration, filing or non-filing or to any such person, document or material,

purporting to be certified by the Commission or a member thereof or by the registrar shall, without proof of the office or signature of the person certifying, be receivable in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. R.S.O. 1937, c. 265, s. 37. *Amended.*

Execution
of warrant
issued in
another
Province.

80.—(1) Where a magistrate or justice of another province issues a warrant for the arrest of any person on a charge of violating any provision of this Act or any similar statute of that province, any magistrate or justice of Ontario within whose jurisdiction that person is or is suspected to be may upon satisfactory proof of the handwriting of the magistrate or justice who issues the warrant make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed shall be sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all constables within the territorial jurisdiction of the magistrate or justice so endorsing the warrant to

execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to re-arrest such person anywhere in Ontario.

(2) Any constable of Ontario or of any other province of Canada who is passing through Ontario having in his custody a person arrested in another province under a warrant endorsed in pursuance of subsection 1 shall be entitled to hold, take and re-arrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. R.S.O. 1937, c. 265, s. 39. Prisoner
in transit.

81. Section 17 of *The Audit Act* shall apply *mutatis mutandis* as if the provisions thereof, except the references to the Deputy Attorney-General, were enacted in and formed part of this Act. R.S.O. 1937, c. 265, s. 40. Expenses.
Rev. Stat.,
c. 24.

82. Every registration in force under *The Securities Act* at the date of the coming into force of this Act shall continue in force as a registration under this Act and subject to the provisions thereof but shall be reviewed by the Commission as soon as may be. *New.* Present
registration
continued
in force.

83. *The Securities Act, The Securities Amendment Act, 1940, The Securities Amendment Act, 1941, The Securities Amendment Act, 1942, and section 37 of The Statute Law Amendment Act, 1943, are repealed.* Rev. Stat.,
c. 265;
1940, c. 25;
1941, c. 53;
1942, c. 33;
1943, c. 28,
s. 37,
repealed.

84. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment of Act.

85. This Act may be cited as *The Securities Act, 1945.* Short title.

CHAPTER 23.

An Act to amend The Statute Labour Act.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of *The Statute Labour Act* is amended by inserting after the word "two" in the third and fourth lines respectively the words "or more", so that the said subsection shall now read as follows:

- (1) Twenty resident landholders in any unincorporated township or in any designated part of any unincorporated township or in any two or more contiguous unincorporated townships or in any designated parts of two or more such contiguous townships shall have the right to have a public meeting called for the purpose of electing road commissioners.

(2) Subsection 2 of the said section 10 is amended by inserting after the word "tenant" in the second and third lines the words "of land" and by adding after the word "subject" in the third line the words "and 'resident' shall include a person who resides in the township for any part of a year", so that the said subsection shall now read as follows:

- (2) In this section and in the following sections of this Act "landholder" shall mean owner, locatee, purchaser or tenant of land who is a British subject and "resident" shall include a person who resides in the township for any part of a year.

2. Subsection 2 of section 11 of *The Statute Labour Act* is repealed and the following substituted therefor:

- (2) Where it is proposed that the road commissioners shall have jurisdiction over two or more townships or designated parts of two or more townships, the requisition shall be signed by at least eight resident landholders in any one township or part of a town-

ship or where there are less than fifteen resident landholders in any one township or part of a township by a majority of them but the total number of resident landholders signing the requisition shall not be less than twenty and the requisition shall designate what parts of the townships are to be included.

Rev. Stat.,
c. 274, s. 13,
amended.

3. Section 13 of *The Statute Labour Act* is amended by striking out the words "shall name a place, day and hour for holding it and" in the first and second lines and inserting in lieu thereof the word and figure "(Form 1)", so that the said section shall now read as follows:

Notice of
meeting.

13. The notice calling the meeting (Form 1) shall be posted up in at least six conspicuous places and at each post office and public school house in the township or townships, as the case may be, and the day named shall be at least ten days from the date of the notice.

Rev. Stat.,
c. 274, s. 17,
amended.

4. Section 17 of *The Statute Labour Act* is amended by adding at the end thereof the words "and unless he has performed or commuted for the statute labour to which he is liable", so that the said section shall now read as follows:

Qualification
of road
commissioners.

17. No person may be elected as a road commissioner unless he is a British subject and otherwise qualified to vote in the election of road commissioners and unless he has performed or commuted for the statute labour to which he is liable.

Rev. Stat.,
c. 274, s. 20,
amended.

5. Section 20 of *The Statute Labour Act* is amended by striking out the words "similar to that of a councillor of a township" in the third and fourth lines and inserting in lieu thereof the word and figure "(Form 2)", so that the said section shall now read as follows:

Term of
office.

20. The commissioners elected shall hold office until the 31st day of December next after their election, and shall take, before a justice of the peace, a declaration of office (Form 2).

Rev. Stat.,
c. 274, s. 24,
amended.

6. Section 24 of *The Statute Labour Act* is amended by adding thereto the following subsection:

Where land
assessed
for school
purposes.

(3) Where the land in an unincorporated township is assessed for school purposes under *The Public Schools Act* the commissioners may by resolution provide that the amount of statute labour to be performed shall be determined on the same basis as is prescribed in subsection 1 of section 3 in which case the provi-

Rev. Stat.,
c. 357.

sions of subsections 1 and 2 of section 3 shall apply *mutatis mutandis*.

7. Subsection 2 of section 25 of *The Statute Labour Act* is amended by striking out the words, symbol and figure "the rate of \$3" in the second line and inserting in lieu thereof the words, symbols and figures "a rate not less than \$3 per day nor more than \$4", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 274, s. 25,
subs. 2,
amended.

- (2) A commissioner may be paid out of the commutation fund for not exceeding two days' labour at a rate not less than \$3 per day nor more than \$4 per day if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property.

Payment
of commis-
sioners.

8. Section 26 of *The Statute Labour Act* is amended by striking out the word, symbol and figure "exceeding \$3" in the third line and inserting in lieu thereof the words, symbols and figures "less than \$3 per day nor more than \$4", so that the said section shall now read as follows:

Rev. Stat.,
c. 274, s. 26,
amended.

26. Any person instead of performing the statute labour required of him may commute therefor by payment at a rate not less than \$3 per day nor more than \$4 per day as may be fixed by resolution of the commissioners, and the commissioners shall expend all commutation money upon the roads on which the labour which is commuted for should have been performed, unless in the opinion of the commissioners, such money should be expended on other roads under their jurisdiction.

Commuta-
tion.

9. Subsection 1 of section 27 of *The Statute Labour Act* is amended by striking out the word, symbol and figure "exceeding \$3" in the second line and inserting in lieu thereof the words, symbols and figures "less than \$3 per day nor more than \$4", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 274, s. 27,
subs. 1,
amended.

- (2) The commissioners may by resolution direct that a sum not less than \$3 per day nor more than \$4 per day shall be paid as commutation of statute labour for the whole of the township; provided, however, that such resolution shall not take effect until the same has been submitted to and sanctioned by the majority of the landholders present at the annual meeting or at a special meeting called in the manner provided for in this Act for the election of commissioners.

Commuta-
tion of
statute
labour in
townships.

Rev. Stat.,
c. 274, s. 28,
amended.

10. Section 28 of *The Statute Labour Act* is amended by striking out the words "during the month of January" in the second line and inserting in lieu thereof the words and figures "between the 1st day of January and the 31st day of May", so that the said section shall now read as follows:

Meeting for
election
of new
commis-
sioners.

28. The majority of the commissioners may call a meeting to be held at any time between the 1st day of January and the 31st day of May for the election of their successors, but in case of their failure so to do a meeting may be called in the manner hereinbefore provided for a first election.

Rev. Stat.,
c. 274, s. 29,
amended.

11. Section 29 of *The Statute Labour Act* is amended by striking out the word "commissioners" in the ninth line and inserting in lieu thereof the word "secretary-Treasurer" and by striking out the words "said roads" in the tenth line and inserting in lieu thereof the words "roads on which the labour should have been performed", so that the said section shall now read as follows:

Penalty for
neglect to
perform
work.

29. Any person liable to perform statute labour under the provisions of sections 10 to 31 who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of \$5, and in addition the amount of the commutation money as fixed by the commissioners under section 26, for each day in respect of which he makes default, the same to be paid to the secretary-treasurer and to be expended in improving the roads on which the labour should have been performed, or such other roads as, in the opinion of the commissioners, require improvement.

Rev. Stat.,
c. 274, s. 30,
re-enacted.

12. Section 30 of *The Statute Labour Act* is repealed and the following substituted therefor:

Election of
chairman
and appoint-
ment of
secretary-
treasurer.

30.—(1) The commissioners, at the first meeting after their election, shall elect one of their number as chairman to preside at meetings and shall appoint some competent person who may be one of themselves other than the chairman, as secretary-treasurer and the secretary-treasurer shall be exempt from the performance of statute labour and the commissioners may each year pay to the secretary-treasurer out of the commutation fund such amount, not exceeding \$25, as may be fixed by resolution of the commissioners.

- (2) The secretary-treasurer before entering on his duties shall take before a justice of the peace, a declaration of office (Form 2) and shall give security, satisfactory to the commissioners which shall be lodged for safe keeping with the chairman. Security.
- 30a. The secretary-treasurer shall receive and safely keep all commutation money and shall pay out such money in accordance with the provisions of this Act. Commutation money.
- 30b.—(1) The secretary-treasurer shall keep a statute labour book (Form 3) and shall enter therein the name of every person liable for the performance of statute labour or payment of the commutation and the lot or parcel of land in respect of which he is liable. Statute labour book.
- (2) Upon the performance of statute labour or payment of the commutation the secretary-treasurer shall make entry thereof in the statute labour book in the column provided for that purpose. Entry of payment or performance.
- (3) Where any person who has been served with the prescribed notice as provided in section 30c does not perform his statute labour or commute therefor the secretary-treasurer shall enter the commutation thereof in the proper column of the statute labour book against the name of the person in default. Entry of default.
- (4) The statute labour book shall be available for inspection at all reasonable times by any owner or locatee of land, or householder in the area over which the commissioners have jurisdiction and by any officer or servant of the Department of Highways designated by the Minister of Highways. Inspection of statute labour book.
- 30c.—(1) The secretary-treasurer shall serve each notice to perform statute labour (Form 4) personally or by leaving it at the usual place of abode of the person to whom it is directed with a grown up person residing there or sending it by registered post addressed to the person to whom it is directed at the post office nearest to his last known place of residence. Notice to perform statute labour.
- (2) The notices shall be served not less than six days before the date on which the person liable for statute labour is required to report exclusive of that date and the date of the service or mailing as the case may be. Time.

Return
of arrears
to sheriff.

30*d.*—(1) On or before the 1st day of June in the year following that in which default was made, the secretary-treasurer shall make a return (Form 5) to the sheriff of the district showing each lot or parcel of land in respect of which default has been made, the name of the owner or locatee, the amount chargeable at the date of the return and the year for which the amount in arrear was imposed.

Sheriff to
keep account
of arrears.

(2) The sheriff shall enter the particulars so furnished in a book to be kept by him for that purpose.

Payment of
arrears not
to be made
to secretary-
treasurer
after two
years.

(3) The secretary-treasurer shall not receive any payments on account of such arrears after the expiration of two years from the date specified in the notice (Form 4) but in the case of payments made within such period the secretary-treasurer shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him for that purpose.

After two
years all
arrears to
be paid to
sheriff.

(4) Upon the expiration of the two year period all arrears shall be payable to the sheriff and the sheriff shall enter every payment in the book kept by him and shall return the amount paid to the secretary-treasurer.

Arrears to
bear interest.

(5) All arrears shall bear interest at the rate of ten per centum per annum.

Sale of land
by sheriff
for arrears.

(6) Wherever it appears from the entries in the book kept by the sheriff that any amount chargeable for statute labour is in arrear for three years from the 31st day of December in the year in which the same became payable, the sheriff shall proceed to collect such amount with interest at the rate aforesaid by the sale of the lands in respect of which such arrears are chargeable and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to tax purchasers shall be the same as nearly as possible as in the case of the sale of lands by the sheriff for arrears of taxes in organized municipalities in the Provisional Judicial Districts of Muskoka and Parry Sound.

Rev. Stat.,
c. 274,
amended.

13. *The Statute Labour Act* is amended by adding thereto the following schedule of forms:

SCHEDULE A.

Schedule
of forms.

FORM 1

(Section 13)

PUBLIC NOTICE

Notice is hereby given that a meeting will be held at (*state place*) on the.....day of....., A.D. 19...., at the hour of.....o'clock in thenoon to elect Road Commissioners for the Township of..... as provided by *The Statute Labour Act*.

Dated this.....day of....., 19....

.....
Caller of Meeting.

FORM 2

(Section 20)

DECLARATION OF OFFICE

I,, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of road commissioner (*or* secretary-treasurer of the road commissioners) of the Township of..... and that I have not received and I will not receive any payment or reward, or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the road commissioners of the said Township.

Declared before me this..... }
day of..... }
A.D. 19..... }

A Justice of the Peace.

FORM 4

(Section 30c (1))

NOTICE TO PERFORM STATUTE LABOUR

To.....

TAKE NOTICE that you are hereby required to performdays statute labour for which you are liable on (*describe the lot or parcel of land*), and are required to report to Mr..... the commissioner for the district in which your property is situate at (*state place*) on the.....day of....., 19..., at the hour of.....o'clock in the.....noon and to perform the labour where and as directed by him. Instead of performing the statute labour required of you, you may within six days from the date of this notice, commute therefor by paying to the undersigned the sum of \$..... Should you fail to report and perform the statute labour required of you or to pay the amount of the commutation, proceedings will be taken to collect the amount of the commutation together with interest at ten per centum per annum. You will also be liable to a penalty recoverable under *The Summary Convictions Act*.

Dated at.....this.....day of....., 19....

.....
Secretary-Treasurer.

Road Commissioners of the Township of.....

FORM 5
(Section 30d (1))

RETURN TO SHERIFF

ROAD COMMISSIONERS OF THE TOWNSHIP OF.....
To THE SHERIFF OF THE DISTRICT OF.....
TAKE NOTICE that the following owners or locatees have not paid the commutation for which they are liable as
set forth opposite their names.
Dated at.....this.....day of....., 19.....

Secretary-Treasurer

Address.....

Name of Owner or Locatee	Description of Lot or Parcel	Number of Acres	Amount of Com-mutation in Default	Year Imposed	Penalty	Total Due	Date Notice to Perform Served	How Notice Served (personally or by Mail) If by Mail to what Address

14. This Act may be cited as *The Statute Labour Amendment Act, 1945.* Short title.

CHAPTER 24.

An Act to amend The Surveys Act.

*Assented to February 27th, 1945.**Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 21 of *The Surveys Act* is amended by striking out the words "and Jones" in the nineteenth line and inserting in lieu thereof the words "Jones, Petawawa, McKay, Buchanan, Wylie, Rolph, Head, Maria, and Clara", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 232, s. 21,
subs. 2,
amended.

- (2) The side lines between all lots in all townships in the Districts of Muskoka and Parry Sound; all townships in the District of Nipissing which lie south of the Mattawan River and Trout Lake; and the Township of Mattawan in that District; all townships in the provisional County of Haliburton; the Townships of Dalton, Digby and Longford, in the County of Victoria; the Townships of Galway, Cavendish, Anstruther and Chandos in the County of Peterborough; the Townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the County of Hastings; the Townships of Anglesea, Effingham, Abinger and Denbigh, in the County of Lennox and Addington; the Townships of Barrie, South Canonto and North Canonto, in the County of Frontenac, and the Townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Alcona, North Alcona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns, Jones, Petawawa, McKay, Buchanan, Wylie, Rolph, Head, Maria and Clara in the County of Renfrew shall be run on the astronomic course stated in the plan and field notes of the original survey of record in the Department, but nothing in this subsection shall affect the side lines of any lot in any concession in

Exceptions.

any section or block in which any side line was run before the 1st day of July, 1897.

Commence-
ment of
section.

(2) The amendment made by subsection 1 shall come into force on the 1st day of July, 1945.

Short title.

2. This Act may be cited as *The Surveys Amendment Act, 1945*.

CHAPTER 25.

An Act to confirm Tax Sales.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All sales of land held prior to the 1st day of January, 1944, and purporting to have been made for arrears of taxes payable to a municipal corporation, or to the school board of a school section in an unorganized township, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Tax sales
and tax
deeds con-
firmed.

Rev. Stat.,
c. 272.

(2) Subsection 1 shall have force and effect with respect to all such sales of land held and all such conveyances executed on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 2 of section 178 of *The Assessment Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Applica-
tion of
section.

Rev. Stat.,
c. 272.

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed from the municipal corporation to the purchaser of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

Statutory
declaration.

Conveyance
to former
owner,
etc.

(4) Notwithstanding the provisions of this or any other Act, where the land which has been sold for taxes has been purchased by the municipal corporation and the period for redemption has expired and where such land has not been sold or conveyed by the municipal corporation, any person to whom notice was sent under subsection 2 of section 178 of *The Assessment Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land from the municipal corporation upon payment to the treasurer thereof of the full amount which would have been payable in respect of taxes, interest and penalties had the land not been sold for taxes, together with the costs in connection with such sale and of such conveyance.

Rev. Stat.,
c. 272.

Registered
tax arrears
certificates
confirmed.

Rev. Stat.,
c. 59.

2.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1944, that purports to have been registered pursuant to *The Department of Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of such registration the land therein described in the corporation of the municipality in which the land is situate, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Application
of section.

(2) Subsection 1 shall have force and effect with respect to all such certificates registered on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 4 of section 43 of *The Department of Municipal Affairs Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Rev. Stat.,
c. 59.

Statutory
declaration.

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the deed of conveyance from the municipal corporation to the purchaser of the land in respect of which the declaration was made and where the deed of conveyance has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

Conveyance
to former
owner,
etc.

(4) Notwithstanding the provisions of this or any other Act, where the land with respect to which a tax arrears certificate has been registered has become vested in the municipal corporation and the period for redemption has expired and where such land has not been sold or conveyed by the municipal corporation, any person to whom notice was sent under subsection 4 of section 43 of *The Department of Municipal Affairs Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land from the municipal corporation upon payment

Rev. Stat.,
c. 59.

to the treasurer thereof of the full amount which would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipal corporation, together with the costs in connection with such vesting and of such conveyance.

3. Every redemption certificate registered prior to the 1st day of January, 1945, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered redemption certificates confirmed.

Rev. Stat., c. 59.

4. Every vacating certificate registered prior to the 1st day of January, 1945, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

Registered vacating certificates confirmed.

Rev. Stat., c. 59.

5. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Pending litigation not affected.

6. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Saving as to rights of Crown.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1945*.

Short title.

CHAPTER 26.

An Act to amend the Territorial Division Act.

*Assented to February 27th, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 44 of section 1 of *The Territorial Division Act* Rev. Stat., c. 3, s. 1, par. 44, amended. is amended by inserting after the figure and word "3. Aberdeen", the figure, letter and words "3a. Aberdeen Additional".

2. This Act may be cited as *The Territorial Division Amendment Act, 1945.* Short title.

CHAPTER 27.

An Act to amend The Trustee Act.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Trustee Act* is amended by striking out the word "one-half" in the twelfth line and inserting in lieu thereof the words "sixty per centum" so that the said section shall now read as follows: Rev. Stat., c. 165, s. 29, amended.

29. A trustee lending money upon the security of any property upon which he may lawfully lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed sixty per centum of the value of the property as stated in the report and that it was made under the advice of the valuator expressed in the report. When trustee not chargeable for lending on insufficient security.

2. This Act may be cited as *The Trustee Amendment Act*, Short title 1945.

CHAPTER 28.

An Act to amend The Workmen's Compensation Act.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 8 of *The Workmen's Compensation Act* as enacted by section 2 of *The Workmen's Compensation Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 8, subs. 6 (1944, c. 69, s. 2) re-enacted.

(6) In any action brought by a workman of an employer in Schedule 1 or dependant of such workman in any case within the provisions of subsection 1 or maintained by the Board under subsection 3 and one or more of the persons found to be at fault or negligent is the employer of the workman in Schedule 1, or any other employer in Schedule 1, or any workman of any employer in Schedule 1, no damages, contribution or indemnity shall be recoverable for the portion of the loss or damages caused by the fault or negligence of such employer of the workman in Schedule 1, or of any other employer in Schedule 1, or of any workman of any employer in Schedule 1, and the portion of the loss or damages so caused by the fault or negligence of such employer of the workman in Schedule 1, or of any other employer in Schedule 1, or of the workman of any employer in Schedule 1, shall be determined although such employer or workman is not a party to the action. Damages.

(6a) In any action brought by a workman of an employer in Schedule 2 or dependant of such workman in any case within the provisions of subsection 1 or maintained by the employer of the workman under subsection 3 and one or more of the persons found to be at fault or negligent is the employer of the workman in Schedule 2, no damages, contribution or indemnity shall be recoverable for the portion of the Idem.

loss or damages caused by the fault or negligence of such employer and the portion of the loss or damages so caused by the fault or negligence of such employer shall be determined although such employer is not a party to the action.

Rev. Stat.,
c. 204, s. 67,
subs. 3,
amended.

2. Subsection 3 of section 67 of *The Workmen's Compensation Act* is amended by inserting after the word "employees" in the sixth line the words "or of the commissioners", and by inserting after the word "employees" in the seventh and eighth lines the words "and by the commissioners", so that the said subsection shall now read as follows:

Superan-
nuation
fund.

- (3) The Board, with the approval of the Lieutenant-Governor in Council, may establish and maintain a fund, or enter into arrangements with a duly licensed insurance company or insurance companies for the payment of superannuation allowances or allowances upon the death or disability of its employees or of the commissioners, and may make regulations providing for contributions to the fund by the Board and by its employees and by the commissioners, and for the terms and conditions upon which any superannuation or other allowance shall be payable and the persons to whom the same may be paid and the costs of maintaining and administering the same shall be deemed part of the cost of the administration of the Board and shall be chargeable to the accident fund.

Rev. Stat.,
c. 204, s. 74,
subs. 1,
re-enacted;
subs. 2,
repealed.

3. Subsections 1 and 2 of section 74 of *The Workmen's Compensation Act* are repealed and the following substituted therefor:

Power of
Board to
make regu-
lations.

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make such regulations as may be deemed expedient for carrying out the provisions of this Part and to meet cases not specifically provided for by this Part.

Rev. Stat.,
c. 204, s. 84,
subs. 1,
amended.

4. Subsection 1 of section 84 of *The Workmen's Compensation Act* as amended by section 6 of *The Workmen's Compensation Amendment Act, 1944*, is further amended by striking out the words "The Board shall have jurisdiction and authority to,—" in the first and second lines and inserting in lieu thereof the words "Subject to the approval of the Lieutenant-Governor in Council the Board may by regulation,—".

Rev. Stat.,
c. 204, s. 89,
repealed.

5. Section 89 of *The Workmen's Compensation Act* is repealed.

6. Schedule 1 of *The Workmen's Compensation Act* as revised by regulation 2 of the regulations made by the Workmen's Compensation Board on the 9th day of November, 1944, and approved by the Lieutenant-Governor in Council on the 21st day of November, 1944, and filed pursuant to *The Regulations Act, 1944*, on the 6th day of December, 1944, as O.Reg. 235/44, is confirmed.

Rev. Stat.,
c. 204,
Sched. 1,
confirmed.

7. This Act shall come into force on the day upon which it receives the Royal Assent and section 1 shall be deemed to have had effect on and from the 6th day of April, 1944.

Commence-
ment of Act.

8. This Act may be cited as *The Workmen's Compensation Amendment Act, 1945*.

Short title.

PART II
PRIVATE ACTS

Chapters 29 to 40

CHAPTER 29.

An Act respecting the Town of Barrie.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

WHEREAS the Corporation of the Town of Barrie has Preamble.
 by its petition prayed for special legislation in respect
 of the purchase and management of the Barrie Arena and the
 installation therein of an artificial ice plant; whereas the
 council of the said Corporation did on the 4th day of Decem-
 ber, 1944, submit the matter to the electors of the said Town
 qualified to vote on money by-laws and received the assent
 of such electors, 1,057 having voted in favor and 162 against
 the proposed purchase of the arena and the installation therein
 of an artificial ice plant; and whereas it is expedient to grant
 the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, Power to purchase arena.
 the Corporation of the Town of Barrie may purchase from
 The Barrie Agricultural Arena Limited the premises known
 as the Barrie Arena including the fixtures, sound equipment,
 seating equipment, air-conditioning equipment, sectional hard-
 wood dance floor and all other chattels used in connection
 therewith, and including the cement cow-barn adjacent to
 the said Arena for the sum of \$1, to provide facilities for
 recreation and sports and a forum for public gatherings.

2. Subject to the approval of the Ontario Municipal Board, Power to install ice plant.
 the Corporation of the Town of Barrie may install in the
 premises aforesaid an artificial ice plant at a cost not exceeding
 \$30,000, and may, to provide such cost, issue debentures on
 the credit of the Corporation bearing interest at three and
 one-quarter per centum per annum and payable in annual
 sums during the term of ten years in such amounts respectively
 that the aggregate amount payable for principal and interest
 in any year shall be equal as nearly as may be to the amount
 so payable for principal and interest in each of the other years.

3. The general management, regulation and control of Manage-ment.
 the premises aforesaid, including the artificial ice plant,

shall be vested in a Commission to be known as The Barrie Arena Commission, to be appointed by the council of the Corporation of the Town of Barrie each year, such Commission to consist of five members, three of whom shall be members of the council and two of whom shall be ratepayers of the Town of Barrie but not members of the council.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short
title.

5. This Act may be cited as *The Town of Barrie Act, 1945*.

CHAPTER 30.

An Act respecting the City of Kingston.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

WHEREAS the Corporation of the City of Kingston Preamble.
has by its petition prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 5 of *The City of Kingston Act, 1934*, is repealed 1934.
c. 81, s. 5,
re-enacted.
and the following substituted therefor:

5. All moneys realized and received by the said corpora- Application
of moneys.
tion from the rental or sale of any or all of the
said property referred to in subsection 1 of section 2
shall first be applied in or towards redemption and
payment of the said debentures and interest thereon
and shall not be used or applied for any other pur-
pose until the said debentures and interest thereon
shall have been fully redeemed and paid, but Hield
Brothers Limited, its successors and assigns shall
not be bound or concerned to see to the application
of such moneys or any part thereof; provided, how-
ever, that in the event of a sale of the whole or any
part of the said property, payment shall be made
out of the proceeds of such sale into the sinking
fund of the said Corporation, of such part of such
proceeds as is certified by the auditor of the said
Corporation as sufficient for the redemption and
payment in full of all outstanding debentures and
interest issued in respect of the said property, and
the balance shall then be and become current
revenue for the general purposes of the said Cor-
poration.

2. Subject to the approval of the Ontario Municipal Board, By-law
No. 352
validated.
By-law No. 352 passed by the council of the Corporation of
the City of Kingston on the 6th day of November, 1944,

entitled "A by-law providing for the Establishment, Development and Management of the Kingston Community Memorial Health and Recreation Centre," set out as schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and the Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof.

Authority
to pass
proposed
By-law No.
380-1944.

3.—(1) Subject to the approval of the Ontario Municipal Board, the council of the Corporation of the City of Kingston may pass the proposed By-law No. 380-1944, set out as schedule B hereto, entitled "A by-law to authorize the borrowing of \$100,000.00 upon debentures for the purpose of contributing towards the establishment of a Community Centre".

Provision
for
validation.

(2) The said proposed By-law No. 380-1944, when duly passed and approved by the Ontario Municipal Board, shall be legal, valid and binding upon the Corporation of the City of Kingston and the ratepayers thereof.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Kingston Act, 1945*.

SCHEDULE A

BY-LAW No. 352

A by-law providing for the Establishment, Development and Management of the Kingston Community Memorial Health and Recreation Centre.

Passed November 6th, 1944.

WHEREAS it is proposed that a By-law be submitted to a vote of the electors of the Corporation of the City of Kingston at the next Municipal Election to be held December 4th, 1944, to authorize the issue of debentures in the amount of One Hundred Thousand Dollars (\$100,000.00) to assist in the construction of a Community Centre at the Fair Grounds of the said City of Kingston, to be established for the purpose of providing proper facilities for recreation and sport and a forum for public gatherings;

AND WHEREAS for this purpose the Kingston Community Memorial Health and Recreation Centre Committee, hereinafter called the "Centre Committee", proposes to raise by public subscription a further sum of at least Two Hundred and Twenty-five Thousand Dollars (\$225,000.00) for the said purpose;

AND WHEREAS it is deemed expedient to make provision for the manner in which the said Centre shall be established, developed and operated;

NOW THEREFORE BE IT ENACTED by the Council of the Corporation of the City of Kingston as follows:

PART I

1. The Kingston Community Memorial Health and Recreation Centre Committee shall deposit the monies raised by public subscription in a special fund in a chartered bank in the name of the Kingston Community Health and Recreation Centre Committee and the Corporation of the City of Kingston and the City Treasurer shall be the Treasurer of the said fund.

2. Upon receipt of a certificate of the City Treasurer that the said sum of Two Hundred and Twenty-five Thousand Dollars (\$225,000.00) has been raised by public subscriptions and has been paid into said fund, the Corporation of the City of Kingston shall make available for the purposes of the Centre the sum of One Hundred Thousand Dollars (\$100,000.00), under the terms and conditions of this By-law, provided the necessary Money By-law for this purpose shall have been assented to by the ratepayers and, if necessary, validated by Special Act of the Legislative Assembly of Ontario.

3. All cheques drawn on the said fund shall be signed by the Chairman of the Building Committee and the City Treasurer after accounts have been passed by City Council and approved for payment.

No disbursement is to be made from the said fund unless, and until, such disbursement has been approved by City Council in the manner as provided for in Section 4 (a) of this By-law.

4. (a) There shall be a Building Committee of not less than five members, appointed by the Centre Committee, upon which City Council shall have representation, whose duties shall be to arrange for the construction of the necessary units of the proposed Community Centre, and the submission of written Reports, accompanied by Certificates from the Architect, to City Council stating the progress made in the construction of the units and recommending any payments due to the Contractor or any other person or persons entitled thereto.

4. (b) Before the building of the project is started or any contracts awarded or any funds paid out or debts incurred the City Council must be satisfied, as shown by a resolution formally entered in its Minutes,

that the funds in hand are sufficient and adequate to build and complete the project, and all proposed plans, specifications and contracts are to be submitted to City Council for approval and no contract shall be made without such approval.

4. (c) The Building Committee shall hold office until the completion of the building programme, covered by plans approved in accordance with Clause (b) of this Section, after which time the duties of the Building Committee shall be performed by the Board referred to in Section 9 of this By-law.

5. Upon approval by City Council of each certificate and report as furnished by the Building Committee, the City Treasurer shall pay into the said fund one-third of the monies recommended to be paid to the Contractor or any other person or persons entitled thereto until the amount hereby agreed to be given shall have been exhausted.

6. No substantial alterations, modifications or changes, nor alterations, modifications or changes involving an expenditure exceeding Five Hundred Dollars (\$500.00) shall be made by the Building Committee in the plans and specifications which have been finally approved by City Council and upon which contracts have been let, without the approval of the City Council upon the recommendation of the Committee on Finance and Accounts.

7. The said project and related plans and specifications shall include the following units:

Auditorium,
Grand Stand,
Swimming Pool,
Children's Playground and equipment,
Facilities for Outdoor Sports,
Agricultural buildings and subsidiaries.

PART II

8. Title to the property, both real and personal, including all buildings, machinery, equipment, accessories and other chattels used in connection with the said Centre shall be vested, free of all encumbrances, in the Corporation of the City of Kingston.

9. Prior to the completion of the said Centre there shall be appointed by City Council a Board to be known as the Board of Trustees of the Kingston Community Memorial Health and Recreation Centre.

10. (a) The Board shall consist of seven Members, one of whom shall be the Vice-Chairman of the Committee on Finance and Accounts, and six other Members to be appointed by City Council, of whom not more than two may be Aldermen. Of the first appointed Members of the Board two shall hold office for one year, two for two years and two for three years, the order of such retirement to be determined by lot among themselves at the first meeting of the Board. Thereafter two members shall be appointed annually who shall hold office for three years or until their successors have been appointed.

10. (b) The appointments to the said Board shall be made by By-law at the second regular meeting of City Council in each year.

11. The general management, regulation and control of the said Centre shall be vested in and shall be exercised by the Board, and it shall be the duty of the Board to manage, regulate and control the said Centre in accordance with the provisions of this By-law and the Board shall properly maintain the said Centre and the grounds thereof.

12. Upon completion of the approved building programme, such portion of the funds remaining in the special fund and raised for the purpose of the said Centre shall be transferred to the said Board to be used by it for the purpose of operating and maintaining the said Centre.

13. The first meeting of the Board shall be called by the Mayor as temporary Chairman, at which meeting the Board shall enact Rules of Procedure to provide for the conduct of its affairs and such Rules of Procedure and amendments thereto must be ratified by By-law of City Council.

14. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of, or admission to any of the units of the Centre.

15. The fiscal year for the purpose of the general management of the said Centre shall end with the calendar year.

16. The Board shall meet at least once a month and more frequently if so required.

17. In the case of a vacancy on the Board a successor shall be appointed by City Council to complete the unexpired term.

18. (a) The Members of the Building Committee and of the Board shall serve without remuneration and the Building Committee and the Board may employ such professional, technical or clerical assistance as may be deemed necessary.

18. (b) The Board shall have power to pass resolutions not contrary to the provisions of this By-law, to regulate and govern the conduct of its affairs.

18. (c) Fire, liability, and any other insurance deemed necessary, shall be included in the Corporation's insurance schedules and the cost thereof shall be a charge against the revenue of the project.

19. (a) The Board shall submit to City Council an annual report on its operations and activities.

19. (b) The Board shall submit annually to City Council not later than February 15th a Budget of its estimated expenditures and revenues for both current and capital purposes for the current year. The Budget shall be in a form determined by City Council and shall, after making all proper deductions and allowances, show clearly the estimated surplus or deficits.

The use and disposal of any surplus shall be determined by City Council and all deficits shall be assumed by the Corporation. Deficits or surpluses shall not be accumulated without the approval of City Council.

19. (c) No expenditures shall be made, or indebtedness incurred which are not specifically provided for in the Budget, approved by City Council, unless City Council consents to a transfer for the purpose from an unexpended appropriation or other available funds.

The Board shall not be permitted to make any bank loans, bank overdrafts or loans of any nature.

20. The City Auditor shall perform an annual audit and make such special examinations and reports as may from time to time be desired, and the cost thereof shall be a charge against the revenue of the project.

21. Part II of this By-law may be amended from time to time upon two-thirds vote of the members of City Council.

This By-law shall come into force and take effect on its passing.

(Signed)

(L. S.)

F. J. PARKER,
Deputy City Clerk.

C. L. BOYD,
Mayor.

SCHEDULE B

BY-LAW No. 380—1944

A by-law to authorize the borrowing of \$100,000.00 upon debentures for the purpose of contributing toward the establishment of a Community Centre.

PASSED

WHEREAS the Kingston Community Memorial Health and Recreation Centre Committee, hereafter referred to as the Centre Committee, is represented as being a charitable organization established for the purposes of organizing activities for the promotion of the health, social welfare, and recreation of the people of the City of Kingston, and composed of citizens and societies interested in the said objects;

AND WHEREAS the Council of the Corporation of the City of Kingston has been requested by the said Centre Committee to contribute the sum of One Hundred Thousand Dollars (\$100,000.00) to aid in the construction of a Community Centre at the Fair Grounds in the said City for the purpose of providing proper facilities for recreation and sports and a forum for public gatherings;

AND WHEREAS the said Centre Committee has agreed to undertake to raise by public subscription the further sum of at least Two Hundred and Twenty-five Thousand Dollars (\$225,000.00) for the purposes aforesaid;

AND WHEREAS the Council deems it expedient in the interest of the Community at large to assent to the request of the said Centre Committee with a view to providing such facilities for the children, youth, industrial workers and citizens generally subject to the provisos, terms, and conditions herein set out;

AND WHEREAS the Council has therefore determined to submit this By-law to the electors entitled to vote on money by-laws for the purpose of obtaining their assent to the issue of debentures in the amount of One Hundred Thousand Dollars (\$100,000.00) for the purpose aforesaid, and, if assented to, to validate it by special legislation;

AND WHEREAS the amount of the debenture debt to be incurred under this By-law is One Hundred Thousand Dollars (\$100,000.00);

AND WHEREAS it is deemed expedient to make the principal repayable in equal annual instalments during the period of fifteen years from the date of the issue of the said debentures with interest thereon at the rate of three per cent (3%) per annum;

AND WHEREAS it will be necessary to raise annually during the said period of fifteen years to pay the said annual instalments of principal and interest as they become due and payable the amounts hereinafter specified by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality;

AND WHEREAS the amount of the whole rateable property in the City of Kingston according to the last revised assessment roll is \$21,151,960;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$1,778,678.31, exclusive of Local Improvement debt secured by special rate or assessment, and no part of the principal or interest is in arrears;

THEREFORE the Municipal Council of the Corporation of the City of Kingston enacts as follows:

1. That, subject to the following terms and conditions, a contribution

of One Hundred Thousand Dollars (\$100,000.00) be made to the Kingston Community Memorial Health and Recreation Centre, and for the purposes aforesaid it shall be lawful for the Council of the Corporation of the City of Kingston to borrow upon debentures of the Corporation the sum of One Hundred Thousand Dollars (\$100,000.00) and debentures shall be made and issued therefor in sums of not less than \$100.00 each, which debentures shall be signed by the Mayor and countersigned by the Treasurer of the said City and sealed with the corporation seal.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years, and shall be payable in annual instalments during the ten years next after the time when the same are issued and the respective amount of principal and interest payable in each of such years shall be set out in Schedule "A" attached.

3. The debentures as to both principal and interest may be expressed in Canadian currency and may be payable at any place in Canada.

4. The Mayor and Treasurer of the Corporation shall sign and issue these debentures which shall be sealed with the seal of the Corporation.

5. Commencing in the year the said debt is incurred and thereafter in each year in which instalments of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sums shown for the respective year in the fourth column of the said Schedule. Such sums shall be levied and raised by a special rate sufficient therefor over and above all other rates, from all the rateable property in the Municipality.

6. The said debentures may contain any clause providing for the registration thereof authorized by any statutes relating to municipal debentures in force at the time of the issue thereof.

7. The Corporation of the City of Kingston shall have the right, at its option, to redeem the debentures bearing the latest maturity date on any interest date prior to maturity at the Office of the Clerk-Treasurer, Kingston, upon payment of the principal amounts thereof, together with interest accrued to date of redemption, and upon giving previous notice of its intention to redeem by advertising once in *The Ontario Gazette*, once in a daily newspaper of general Provincial circulation published in the City of Toronto, once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the debenture registering book.

8. No debentures shall be issued or sold until such time as the Centre Committee has raised by public subscription and paid into a special fund in a chartered bank the sum of at least Two Hundred and Twenty-five Thousand Dollars (\$225,000.00) as provided for in By-law No. 352, "A By-law providing for the establishment, development and management of the Kingston Community Memorial Health and Recreation Centre."

9. The contribution authorized under this By-law shall be made in accordance with the terms and conditions of the said By-law No. 352.

10. This By-law shall come into force and take effect on its passing after receiving the assent of the ratepayers and validation by Special Act of the Legislative Assembly of Ontario.

Deputy City Clerk.

Mayor.

Schedule "A"

	Principal	Interest	Total
1.....	\$5,500.00	\$3,000.00	\$8,500.00
2.....	5,500.00	2,835.00	8,335.00
3.....	5,500.00	2,670.00	8,170.00
4.....	6,000.00	2,505.00	8,505.00
5.....	6,000.00	2,325.00	8,325.00
6.....	6,000.00	2,145.00	8,145.00
7.....	6,500.00	1,965.00	8,465.00
8.....	6,500.00	1,770.00	8,270.00
9.....	7,000.00	1,575.00	8,575.00
10.....	7,000.00	1,365.00	8,365.00
11.....	7,000.00	1,155.00	8,155.00
12.....	7,500.00	945.00	8,445.00
13.....	8,000.00	720.00	8,720.00
14.....	8,000.00	480.00	8,480.00
15.....	8,000.00	240.00	8,240.00
	<hr/>	<hr/>	<hr/>
	\$100,000.00	\$25,695.00	\$125,695.00

CHAPTER 31.

An Act respecting the Evangelical Lutheran Seminary of Canada.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

WHEREAS the Evangelical Lutheran Seminary of Canada has by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the Act entitled *An Act to Incorporate* ^{1913,} *Evangelical Lutheran Seminary of Canada*, being chapter 145 ^{c. 145, s. 4.} of the Statutes of Ontario, 1913, as re-enacted by section 2 of ^{(1926,} the Act entitled *An Act to amend the Act to incorporate the* ^{c. 115, s. 2).} *Evangelical Lutheran Seminary of Canada*, being chapter 115 of the Statutes of Ontario, 1926, is repealed, and the following substituted therefor:

- 4.—(1) The Board of Governors of the said Evangelical ^{Board of} Lutheran Seminary of Canada shall consist of four- ^{Governors.} teen members, seven of whom shall be clergymen and seven of whom shall be laymen, and the said Board shall be appointed by the Evangelical Lutheran Synod of Canada at its annual meeting, except as provided in subsection 2.
- (2) The Board of Governors may provide for temporarily ^{Temporary} filling any vacancy, the person temporarily appointed ^{vacancies.} to hold office until the next annual meeting.
- (3) The term of office of each member of the Board shall ^{Term of} be two years except in the following cases,— ^{office.}
 - (a) Where a member is appointed to fill a vacancy, such appointment shall be for the remainder of the term of his predecessor; and
 - (b) In the case of the first appointments made after the coming into force of this section and in the

case of the first of any new appointments made pursuant to subsection 4, such appointments shall be for terms of one or two years, so spaced that one-half of the total membership of the Board of Governors shall come up for reappointment each year.

Power to
increase
size of
Board.

- (4) The Board shall have the power to increase their number by resolution, in multiples of two, to any number not exceeding twenty, and one-half of such additional members of the Board shall be clergymen, and one-half shall be laymen, and upon the Board passing a resolution so increasing their number, the appointment of the additional members of the Board shall be made at the next annual meeting of the Evangelical Lutheran Synod of Canada in accordance with the method set out in clause *b* of subsection 3.

1913,
c. 145, s. 7,
re-enacted.

2. Section 7 of the Act entitled *An Act to Incorporate Evangelical Lutheran Seminary of Canada*, being chapter 145 of the Statutes of Ontario, 1913, as amended by section 2 of the Act entitled *An Act to amend the Act to Incorporate Evangelical Lutheran Seminary of Canada*, being chapter 146 of the Statutes of Ontario, 1927, is repealed and the following substituted therefor:

Power to
acquire
property.

7. The Corporation shall have power to sell, purchase, receive, accept, acquire or hold all land or other property given to or acquired for the purposes of the Corporation and the Corporation shall have all the rights, powers and privileges in dealing with real or personal property as are possessed by an individual person.

1913,
c. 145, s. 11,
repealed.

3. Section 11 of the Act entitled *An Act to Incorporate Evangelical Lutheran Seminary of Canada*, being chapter 145 of the Statutes of Ontario, 1913, is repealed.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Lutheran Seminary Act, 1945*.

CHAPTER 32.

An Act respecting the City of Ottawa Separate School Board.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

WHEREAS the Board of Trustees of the Roman Catholic Preamble.
Separate Schools for the City of Ottawa has by its
petition represented that it is expedient to provide for the
election of its members as hereinafter set forth to hold office
for the terms hereinafter provided; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding the provisions of *The Separate Schools* Election of trustees in 1946.
Act, an election by the vote of the Separate School ratepayers
of the City of Ottawa by ballot and by ward for the trustees
of the City of Ottawa Separate School Board, providing for Rev. Stat., c. 362.
two trustees for each ward of the said City, to hold office for
the periods hereinafter mentioned shall be held in the year
1946, at the same time and place and by the same returning
officer or officers and conducted in the same manner as the
municipal nominations and elections in and for the City of
Ottawa of aldermen, and the provisions of *The Municipal Act* Rev. Stat., c. 266.
respecting the time and manner of holding the election,
including the method of receiving nominations for office and
the resignation of persons nominated and declarations of
qualification of office shall apply *mutatis mutandis* to such
election.

2. If, at the nomination meeting for the first election of First election by ward.
trustees by ward no more candidates are nominated for office
than the two who are to be elected in each ward and those
nominated are declared to be elected, the trustee in each ward
who has the highest rateable assessment as ascertained from
the last revised roll of the municipality shall hold office for
four years and the other elected trustee shall hold office for
two years, each, however, holding office until his successor is
elected and takes office.

Idem.

3. At the first election by ward, other than in the case provided for in section 2, the trustee receiving the highest number of votes shall hold office for four years and the other trustee elected shall hold office for two years, each, however, holding office until his successor is elected and takes office.

Subsequent elections.

4. After such first election by ward there shall be elected every two years by vote of the Separate School ratépayers of each ward one trustee for a term of four years to take the place of the trustee whose term of office will expire in such year and such trustee shall hold office until his successor is elected or takes office.

Term of certain trustees extended.

5. The term of office of the trustees of the City of Ottawa Separate School Board expiring in the year 1945 is hereby extended until the end of the year 1946.

Vacancies.

Rev. Stat., c. 362.

6. Notwithstanding the provisions of *The Separate Schools Act*, the Board of Trustees of the Ottawa Separate Schools shall be empowered to fill, by appointment, between any two elections, any vacancies not exceeding three in any year which may occur in the Board.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The City of Ottawa Separate School Board Act, 1945*.

CHAPTER 33.

An Act respecting the City of Peterborough.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

WHEREAS the Corporation of the City of Peterborough Preamble.
has by its petition prayed for special legislation in
respect of the Peterborough Memorial Community Centre;
and whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, Power to acquire lands.
the Corporation of the City of Peterborough may acquire
lands, by expropriation if necessary, which may be required
to provide proper facilities for recreation and sports for the
children, youth, industrial workers and the citizens of the
City of Peterborough and a forum for public gatherings.

2. By-law number 4399 passed by the council of the By-law 4399 and agreement validated.
Corporation of the City of Peterborough on the 30th day of
October, 1944, set out as schedule A hereto, authorizing
the execution of an agreement between the Corporation and
the Peterborough Memorial Community Centre to provide
for the general management, regulation and control of the
said centre is hereby confirmed and declared to be legal, valid
and binding upon the Corporation and the ratepayers thereof,
and the said agreement, a copy of which is annexed to the
said by-law, is hereby confirmed and declared to be legal,
valid and binding upon the Corporation and the ratepayers
thereof and the Peterborough Memorial Community Centre.

3.—(1) Subject to the approval of the Ontario Municipal Power to pass debenture by-law for memorial building.
Board, the council of the City of Peterborough may pass the
proposed by-law number 4401, set out as schedule B hereto,
authorizing the issue of debentures for \$75,000 to grant aid in
the construction of a memorial building as the first unit of the
Peterborough Memorial Community Centre.

(2) The said proposed by-law number 4401, when duly Validation.
passed and approved by the Ontario Municipal Board, shall

be legal, valid and binding upon the Corporation of the City of Peterborough and the ratepayers thereof.

Management
of memorial
building.

4. The general management, regulation and control of the said memorial building is hereby vested in the Board of Trustees of the Peterborough Memorial Community Centre.

Commen-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Peterborough Act, 1945*.

SCHEDULE A

BY-LAW NUMBER 4399

A by-law to confirm and authorize the execution of an Agreement dated the 30th day of October, 1944, between the Corporation of the City of Peterborough and the Peterborough Memorial Community Centre.

WHEREAS The Peterborough Memorial Community Centre has requested the Council of the Corporation of the City of Peterborough to grant to The Peterborough Memorial Community Centre a sum not exceeding Seventy-five Thousand Dollars (\$75,000.00) to aid in the construction of the first unit of the Centre for the purpose of providing proper facilities for recreation and sports and a forum for public gatherings.

AND WHEREAS the Council of the Corporation of the City of Peterborough proposes to pass and give final reading to By-law Number 4401, being a by-law to authorize the issue of debentures for \$75,000.00 for granting aid to The Peterborough Memorial Community Centre, if it receives the approval of the ratepayers on the voting when it is submitted on the 4th day of December, 1944, to the electors entitled to vote on money by-laws.

AND WHEREAS it is deemed expedient to enter into an agreement expressing the manner in which the said Peterborough Memorial Community Centre is to be constructed, the terms and conditions under which it is to be managed, regulated and controlled by the Board of Trustees, and the manner in which the said sum is to be granted to the said Peterborough Memorial Community Centre.

NOW THEREFORE the Municipal Council of the Corporation of the City of Peterborough enacts as follows:

1. That the Mayor and Clerk be and they are hereby authorized and instructed to sign and attach the seal of the Corporation to the Agreement entered into between the Corporation of the City of Peterborough and The Peterborough Memorial Community Centre dated the 30th day of October, 1944, a copy of which said Agreement is hereunto annexed.

READ a first time, read a second time and read a third time and finally passed in Council this 30th day of October, 1944.

JAMES HAMILTON,
Mayor.
(Corporate Seal)
E. A. OUTRAM,
Clerk.

THIS AGREEMENT made this 30th day of October, 1944,

BETWEEN:

THE CORPORATION OF THE CITY OF PETERBOROUGH,
hereinafter called the "Corporation"

OF THE FIRST PART;

—and—

THE PETERBOROUGH MEMORIAL COMMUNITY CENTRE,
hereinafter called the "Centre"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has passed By-law Number 4401, "A By-law to Authorize the Issue of Debentures for Seventy-five Thousand Dollars (\$75,000.00) for Granting Aid to The Peterborough Memorial Community Centre": which is to be submitted on December 4th, 1944, to the votes of the Electors entitled to vote on money by-laws, and proposes, upon receipt of a certificate from the treasurer of the Cor-

poration to the effect that the minimum sum of One Hundred and Seventy-five Thousand Dollars (\$175,000.00) has been received by him from public subscriptions and deposited to the credit of the Peterborough Memorial Community Centre Fund to grant aid to the said Centre in a sum not exceeding Seventy-five Thousand Dollars (\$75,000.00) to be deposited to the credit of the said Fund as herein provided, to construct the first unit of the Centre for the purpose of providing proper facilities for recreation and sports for the children, youth, industrial workers and citizens generally, and a forum for public gatherings.

AND WHEREAS the first unit of the Peterborough Memorial Community Centre is to consist of an Arena to be used for winter sports and for such other purposes to which it may be adapted.

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said Debentures and to grant the said sum to the special Centre Fund and to enter into this agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter to be performed, the parties hereby covenant and agree as follows:

1. Upon receipt of a certificate from the Treasurer of the Corporation certifying that the minimum sum of One Hundred and Seventy-five Thousand Dollars (\$175,000.00) has been received from public subscription to construct such unit for the purpose of providing proper facilities for recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings, the Council of the Corporation of the City of Peterborough shall grant to the said special Centre Fund a sum not exceeding Seventy-five Thousand Dollars (\$75,000.00) to be used for such purpose.

2. A Committee known as the "Building Committee", composed of four members nominated by the General Committee of the said Centre and three members nominated by the Council shall then be appointed.

3. The first meeting of the Building Committee shall be called by the Mayor not later than one month after the enabling Act receives the Royal Assent, and at that meeting and at all necessary adjournments thereof, the Building Committee shall by regulations duly enacted thereat, provide for the conduct of its own affairs.

4. The duties of the Building Committee shall be to:

- (1) Secure plans and specifications for presentation to and approval by the Council of the Corporation and the General Committee of the Centre.
- (2) Call for tenders thereon and let such contract or contracts as it may deem advisable, upon obtaining the approval and adoption of the said plans and specifications by the Council of the Corporation and the General Committee of the Centre.
- (3) Supervise the construction of the said unit pursuant to the plans and specifications as finally approved.
- (4) Make monthly written reports to the Council and to the General Committee reporting the progress made in the construction of the Centre.
- (5) Recommend and approve all monies to be paid to contractors or any other persons entitled thereto.

4.—(a) Upon completion of the first unit of the Centre, the "Building Committee" shall cease to exist.

5. The Treasurer of the Corporation shall pay out of the aforesaid Fund all accounts as approved and submitted by the Building Committee.

6. No substantial alteration, modification or change or any alteration, modification or change involving any expenditure exceeding \$250.00 shall be made by the Building Committee in the plans and specifications finally approved and upon which the contracts have been let without the approval of the Council and the General Committee of the Centre as expressed by resolutions thereof.

7. Before any authorization is given for the commencement of any work upon the said unit, a site suitable to the said Council and to the General Committee of the Centre shall be agreed upon and approved by resolution thereof.

8. If it should be deemed necessary and expedient to acquire additional lands adjacent to the site approved as aforesaid and not owned by the Corporation for the purpose of erecting the said Centre, the Corporation shall acquire such land or lands as may be approved by the Council and the General Committee of the Centre, and payment for such lands shall be made from the special Centre Fund.

9. Prior to the completion of the unit, there shall be constituted a Board to be known as "The Board of Trustees of the Peterborough Memorial Community Centre", hereinafter referred to as the "Board".

10. The Board shall consist of seven (7) members, all of whom shall be appointed by the City Council and all of whom shall be residents of the City of Peterborough. Generally speaking but without limiting or restricting the power of appointment of the Council in any way, the Board shall consist of one member representing each of the following groups of citizens: Labour, Veterans, Business Men's Association, Chamber of Commerce, Women's Organizations, Manufacturers, and one member of the Council. The tenure of office of the first appointed members of the Board shall be:

Two members for three years; two members for two years, and three members for one year. All subsequent appointments shall be for a period of three years except that the member of the Council shall be appointed annually and such appointment shall be made at the first meeting of the Council in January of each year.

The member from the Council shall remain a member of the Board only so long as he or she is a member of the Council.

If any member of the Board should for any reason whatsoever cease to be a member of the Board, the Council shall appoint a successor immediately who shall serve for the unexpired term.

11. The general management, regulation and control of the said Centre shall be vested in and exercised by the Board, and it shall be the duty of the Board to maintain, regulate and control the said Centre in accordance with the terms of this agreement and the Board shall properly maintain said Centre and the grounds thereof.

12. Such portion of the funds remaining in the hands of the Corporation and raised for the purpose of constructing the said Centre shall be transferred to the said Board, and may be used for the construction of such further units for recreation and sports as are deemed desirable by the Board and approved by the Council, or for the purpose of operating and maintaining the said Centre.

13. The first meeting of the Board shall be called by the Mayor of the City of Peterborough as Chairman, at which meeting the Board shall, by regulations duly enacted provide for the conduct of its own affairs.

14. The Board shall have power:

- (1) To pass by-laws not contrary to or inconsistent with this agreement, to provide for the regulation and conduct of the proceedings of all its affairs.
- (2) To fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of or admission to the said Centre.

- (3) (a) To employ all necessary help and assistance for the operation and maintenance of the Centre.
 - (b) To make improvements to grounds and to erect fences.
 - (c) To carry such insurance as is deemed advisable.
 - (d) To provide fuel, lighting and other accommodation.
 - (e) To do all things of an ordinary nature necessary to keep the Centre in a proper state of preservation and repair.
 - (f) To keep proper books of account of its financial affairs and records of its proceedings which shall be submitted to and approved by the City Auditor who shall audit the said books and records and render an annual financial statement to the City Council and the Board in the same manner as for other Municipal bodies.
 - (g) To borrow money not exceeding the sum of \$2,500.00 in any one year and to obtain advances upon the credit of the Centre from any bank, corporation or person, at such times, in such amounts, and on such terms as they may think proper, either by discounting or causing to be discounted negotiable paper or instruments made, drawn, accepted or endorsed by the Board, by overdraft, by arranging for credit, or by way of loans, advances or otherwise howsoever.
- (4) No expenditure for capital or permanent improvements, such as the construction of further facilities or units at the Centre or elsewhere in the City of Peterborough, shall be made until the approval of the City Council has been obtained by by-law or resolution.

15. Any surplus from operations shall be retained by the Board and shall be credited to a proper surplus account and may be used only for the purpose of providing further facilities for sports and recreation at the Centre, and other locations in the City of Peterborough, or any other purposes incidental to, or for the promotion of sports and recreation. No reserve other than reserves for depreciation of equipment shall be maintained by the Board.

16. If the operations of the Centre shall result in a deficit as shown by the annual audited statement, the Council shall upon receiving application from the Board include such deficit in the budget estimates for the year in which such application is made providing that, in the opinion of the Council, such funds are required by the Board.

17. The fiscal year of the Board shall be the calendar year.

18. The Board shall meet at least once every three months or more frequently if so desired, and there shall be furnished at each such quarterly meeting the financial statement of the said Centre.

19. The members of the Building Committee, and the members of the Board shall serve without remuneration, but may employ such professional assistance as they deem necessary.

20. The Board shall have powers to pass by-laws not contrary to or inconsistent with this agreement to regulate and govern the conduct in all particulars of the affairs of the Board.

21. This agreement may be amended at any time and from time to time by the mutual consent of the Council of the Corporation, as expressed by By-law of the Council and by the unanimous consent of the Board as evidenced by a recorded vote thereof.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective Corporate Seals under the hands of their duly authorized Officers.

SIGNED, SEALED AND DELIVERED	THE CORPORATION OF THE CITY OF PETERBOROUGH
In the presence of:	JAS. HAMILTON, Mayor. (Seal)
	E. A. OUTRAM, Clerk.
	THE PETERBOROUGH MEMORIAL AND COMMUNITY CENTRE
	J. L. JEBSON, Chairman.
	J. J. DORRIS, Secretary.

DOREEN M. GRAHAM.

SCHEDULE B

BY-LAW NUMBER 4401

A by-law to authorize the issue of Debentures for \$75,000.00 for granting aid to the Peterborough Memorial Community Centre.

WHEREAS the Peterborough Memorial Community Centre is a charitable organization for the purposes of organizing activities tending to the promotion of the health, social welfare and recreation of the people of the City of Peterborough and is composed of citizens interested in the said objects.

AND WHEREAS the Peterborough Memorial Community Centre has requested the Council of the Corporation of the City of Peterborough to grant to the said Peterborough Memorial Community Centre a sum not exceeding Seventy-five Thousand Dollars (\$75,000.00) to aid in the construction of the first unit of the Centre, namely, a memorial building, for the purpose of providing proper facilities for recreation and sports and a forum for public gatherings.

AND WHEREAS it is provided by Section 404, paragraph 5 of *The Municipal Act*, being Chapter 266 of the Revised Statutes of Ontario, 1937, that by-laws may be passed by the Councils of all Municipalities for granting aid to any Charitable Institution.

AND WHEREAS the Council deems it expedient in the interests of the community at large to further the requests of the Peterborough Memorial Community Centre with a view to providing such facilities for the children, youth, industrial workers and citizens generally.

AND WHEREAS the Peterborough Memorial Community Centre has received by public subscription the sum of One Hundred and Seventy-five Thousand Dollars (\$175,000.00) and requests the Council of the Corporation of the City of Peterborough to submit a by-law to the electors entitled to vote on money by-laws for the purpose of obtaining their assent to the issue of debentures for the sum of Seventy-five Thousand Dollars (\$75,000.00) for the purposes aforesaid.

AND WHEREAS the Council deems it expedient to submit this by-law and, if assented to, to validate it by special legislation to issue debentures for the sum of Seventy-five Thousand Dollars (\$75,000.00) to grant to the Peterborough Memorial Community Centre for the purpose aforesaid, which amount with interest thereon is the maximum amount of the debt to be created by this by-law.

AND WHEREAS it is deemed expedient to borrow a sum not exceeding Seventy-five Thousand Dollars (\$75,000.00) upon the credit of the Corporation and to issue debentures therefor bearing interest at the rate of Three per cent (3%) per annum payable semi-annually and to provide for the discount and the expenses incidental to negotiation and sale of such debentures.

AND WHEREAS it is deemed expedient to make the principal of the said debt repayable in annual instalments during the period of ten years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debt, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same; subject to the statutory proviso that each instalment of principal may be for an even \$100.00, \$500.00 or \$1,000.00, or multiple thereof, and, that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

AND WHEREAS it will be necessary to raise annually during the said period of ten years to pay the said annual instalments of principal and interest as they become due and payable the amounts hereinafter specified by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property in the City of Peterborough according to the last revised assessment roll thereof is \$25,501,689.00.

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments, is \$2,376,520.70 and no part of the principal or interest of such debt is in arrear.

NOW THEREFORE the Municipal Council of the Corporation of the City of Peterborough enacts as follows:

1. That for the purpose aforesaid, it shall be lawful for the Council of the Corporation of the City of Peterborough to borrow upon the credit of the Corporation a sum not exceeding Seventy-five Thousand Dollars (\$75,000.00) and to issue debentures therefor in sums of not less than \$1,000.00 each. Each debenture shall bear interest at the rate of Three percent (3%) per annum payable semi-annually and shall have coupons attached thereto for the payment of such interest.

2. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this By-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of ten years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

3. The debentures shall be payable as to both principal and interest in lawful money of Canada at the office of the Secretary of the Peterborough City Trust in the City of Peterborough.

4. The said debentures shall be sealed with the Seal of the Corporation and signed by the Mayor and Treasurer thereof and countersigned by the Secretary of the Peterborough City Trust. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

5. Commencing in the year 1945 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fifth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon all the rateable property in the Municipality.

6. The said debentures may contain a clause providing for the registration thereof pursuant to section 336 of *The Municipal Act*.

7. Pending the sale of the said debentures, the head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. This By-law shall not come into force or effect until assented to by the electors entitled to vote on money by-laws and validated by a Special Act of the Legislative Assembly of the Province of Ontario and approved by an Order of the Ontario Municipal Board.

9. No debentures shall be issued or sold until the Treasurer of the Corporation of the City of Peterborough shall certify to the Council of the City Corporation that the sum of One Hundred and Seventy-five Thousand Dollars (\$175,000.00) has been raised by public subscription.

10. The said debentures shall be redeemable at the option of the Corporation of the City of Peterborough on the 30th day of June or the 31st day of December in any year during the currency of the said debentures. In case the debentures are so redeemed, the place of payment for the said debentures shall be at the office of the Secretary of the Peterborough

City Trust in the City of Peterborough. The value at which said debentures may be redeemed shall be the principal sum thereof together with accrued interest thereon.

READ a first time on October 30th, 1944, and second time and referred to the Electors this 3rd day of November, A.D. 1944.

JAS. HAMILTON,
Mayor.

E. A. OUTRAM,
Clerk.

READ a third time and finally passed this 00th day of
A.D. 194 .

Mayor.

Clerk.

Schedule "A"

to BY-LAW NUMBER 4401

City of Peterborough Debenture Issue
to provide funds for
The Peterborough Memorial Community Centre

\$75,000.00—1 to 10 years—3% Instalment Serials
Interest payable June 30th and December 31st

	Balance Principal \$	Payments Principal \$	Interest \$	Total \$	\$
Jan. 1, 1945. . . .	75,000.00				
June 30, 1945. . . .			1,125.00	1,125.00	
Dec. 31, 1945. . . .		6,000.00	1,125.00	7,125.00	8,250.00
June 30, 1946. . . .	69,000.00		1,035.00	1,033.00	
Dec. 31, 1946. . . .		6,000.00	1,035.00	7,035.00	8,070.00
June 30, 1947. . . .	63,000.00		945.00	945.00	
Dec. 31, 1947. . . .		7,000.00	945.00	7,945.00	8,890.00
June 30, 1948. . . .	56,000.00		840.00	840.00	
Dec. 31, 1948. . . .		7,000.00	840.00	7,840.00	8,680.00
June 30, 1949. . . .	49,000.00		735.00	735.00	
Dec. 31, 1949. . . .		7,000.00	735.00	7,735.00	8,470.00
June 30, 1950. . . .	42,000.00		630.00	630.00	
Dec. 31, 1950. . . .		8,000.00	630.00	8,630.00	9,260.00
June 30, 1951. . . .	34,000.00		510.00	510.00	
Dec. 31, 1951. . . .		8,000.00	510.00	8,510.00	9,020.00
June 30, 1952. . . .	26,000.00		390.00	390.00	
Dec. 31, 1952. . . .		8,000.00	390.00	8,390.00	8,780.00
June 30, 1953. . . .	18,000.00		270.00	270.00	
Dec. 31, 1953. . . .		9,000.00	270.00	9,270.00	9,540.00
June 30, 1954. . . .	9,000.00		135.00	135.00	
Dec. 31, 1954. . . .		9,000.00	135.00	9,135.00	9,270.00
		75,000.00	13,230.00	88,230.00	88,230.00

CHAPTER 34.

An Act respecting the Peterborough Civic Hospital.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

WHEREAS the Corporation of the City of Peterborough Preamble.
 has by its petition shown that there is need for the establishment and maintenance in the City of a new hospital to provide better and more adequate accommodation for the reception, care and treatment of the sick; that the establishment of such hospital will result in The Nicholls' Hospital Trust discontinuing the maintenance of their present hospital and that, in such event The Nicholls' Hospital Trust is prepared to make over to the Corporation all the property, both real and personal, furnishings, endowments and equipment that it owns; and whereas the Corporation has by its petition shown that it will be to the advantage of the citizens and inhabitants of the City of Peterborough to have the work, hitherto carried on by The Nicholls' Hospital Trust, centralized under the control of the Corporation; and whereas the Corporation has by its petition further shown that the estimated cost of establishing such civic hospital and for equipping and furnishing the same will be \$1,400,000; and whereas the Council of the County of Peterborough desires to grant to the Corporation the sum of \$150,000 in aid of the erection and equipment of the hospital and the Peterborough Utilities Commission the sum of \$50,000; and whereas the council of the Corporation of the City of Peterborough did on the 4th day of December, 1944, submit the following question to the electors of the City qualified to vote on money by-laws,—“Are you in favour of diverting \$300,000.00 from the surplus moneys in the sinking funds of The Peterborough City Trust to assist in financing the construction of a general civic hospital?” when of the electors voting on the question, 2,476 voted in the affirmative and 1,076 voted in the negative; and whereas the Corporation has by its petition further shown that it will be necessary for it to raise upon debentures of the Corporation a sum not exceeding \$600,000 for the purpose of erecting and equipping the hospital; and whereas the council of the Corporation did on the 4th day of December, 1944, submit to the electors of the City qualified to vote on money by-laws, by-law number 4403 being “A By-law authorizing the borrowing of \$600,000.00 upon debentures for the Peterborough General Hospital and Nurses Residence”, when of

the electors voting on the by-law, 2,456 voted for the by-law and 1,069 against the by-law; and whereas the Corporation, The Nicholls' Hospital Trust, The Peterborough City Trust, The Corporation of the County of Peterborough and the Peterborough Utilities Commission desire that an Act may be passed to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
acquire
hospital
site.

1. The Corporation of the City of Peterborough may acquire, by gift, purchase or expropriation, all such lands as it may deem necessary as a site for a civic hospital, and may erect, equip, furnish and maintain a hospital thereon, to be known as "The Peterborough Civic Hospital".

Power to
pass By-law
4403.

2.—(1) Subject to the approval of the Ontario Municipal Board, the Council of the City of Peterborough may pass the proposed by-law number 4403, set out as schedule A hereto, authorizing the issue of debentures for \$600,000.

Validation.

(2) The said proposed by-law number 4403, when duly passed and approved by the Ontario Municipal Board, shall be legal, valid and binding upon the Corporation of the City of Peterborough and the ratepayers thereof.

Board of
governors.

3.—(1) The management and control of the hospital, including the power of making all appointments to the staff thereof, shall be vested in, and exercised by, a board of fifteen governors: the Mayor of the City and the Warden of the County of Peterborough shall *ex officio* be governors; one governor shall be appointed by the Lieutenant-Governor in Council who shall hold office during his pleasure; two governors shall be appointed by the Council of the County of Peterborough; one governor shall be appointed in accordance with the regulations made pursuant to *The Public Hospitals Act*; and the remaining nine governors shall be appointed by the Council of the City of Peterborough from the resident ratepayers of the City, of which two shall be designated to perpetuate the benefactions of the late Robert Nicholls and Charlotte Jane Nicholls.

Rev. Stat.,
c. 390.

Term of
office.

(2) The governors shall remain in office until their successors are appointed, when they shall cease to be governors, unless reappointed for such office.

Idem.

(3) The Mayor and Warden shall cease to be governors at the end of the year for which they were elected Mayor and Warden respectively, or at such earlier date as they may

cease to be members of the councils of the City and County respectively.

(4) The term of office of the nine governors appointed from Idem. the resident ratepayers of the City shall, in the first instance, be regulated as follows: three of such governors designated by the council of the City shall hold office until the end of the first year after the year of their appointment; three of such governors, designated in like manner, shall hold office until the end of the second year after the year of their appointment, and the remaining three shall hold office until the end of the third year after the year of their appointment; and the council of the City shall, thereafter, so often as the office of a governor becomes vacant, appoint a successor thereto, who shall hold office for a term of three years, and until his successor is appointed.

(5) The governors, other than those appointed to the first Appointment. Board of Governors, shall be appointed in the month of time of. January in each year in which an appointment is to be made.

(6) A governor whose term of office has expired shall be Reappointment. eligible for reappointment.

(7) Whenever, from any cause, the office of an appointed Vacancies. governor becomes vacant prior to the expiration of his term of office, the Council of the City or County shall, without unnecessary delay, and in the manner provided by subsection 1, appoint a successor, so as to keep the membership of the Board up to the full number of fifteen, and the person so appointed shall hold office for the remainder of the term of the governor whose place he is appointed to fill.

(8) Seven members shall constitute a quorum of the Board Quorum. of Governors.

(9) Any member of the Board of Governors appointed by Absence from meetings. the council of the City or County who is absent from four successive regular meetings of the Board shall cease to be a member of the Board unless he has obtained leave of absence from the body by which he was appointed.

4.—(1) The governors may by by-law constitute an Advisory board. honorary advisory board consisting of not more than twenty-five members appointed by the governors, to hold office during the pleasure of the governors, and the governors may from time to time fill any vacancy accruing in the membership thereof.

(2) Without limiting the power of appointment of the Idem. governors, the honorary advisory board may consist of repre-

representatives of organized labour, County Agricultural Organizations, County Women's Institutes, Ministerial Association, Peterborough Law Association, Peterborough Nurses Association, Service Clubs, Women's Associations, Canadian Legion, Chamber of Commerce, and any other organizations which are deemed representative of citizens, either in the City or County.

Idem.

(3) The honorary advisory board shall not have or exercise any of the rights, powers and privileges of the governors but shall act only in an advisory capacity in co-operation with the governors as the governors shall from time to time desire or determine.

Selection of
hospital site.

5. The Board of Governors shall select the land required as a site for the hospital, and shall report to the council of the City the location and area of the lands proposed to be acquired and the estimated cost thereof, and in the absence of such report, duly approved by the council, no land or interest therein shall be acquired or purchased by the council.

Board of
Governors
constituted a
corporation.

6. The Board of Governors shall be a body corporate and politic under the name of "The Peterborough Civic Hospital," and by that name shall have perpetual succession and a corporate seal and may under that name sue and be sued and shall have all the powers and privileges conferred upon it by this Act and also all the other powers, privileges and immunities vested by law in corporations necessary or proper for the carrying out of its objects.

Board of
Governors,
powers and
duties.

7.—(1) The Board of Governors shall have charge of and supervision over the work of erecting, furnishing and equipping the hospital and over the performance of all contracts let by the council of the City in connection therewith.

Idem.

(2) The Board of Governors shall have control over and the custody of all property, both real and personal, belonging to or used in connection with the hospital and shall have power to sell or otherwise dispose of personal property to an amount not exceeding \$1,000 at one time, when no longer required for the purposes of the hospital.

Idem.

(3) The Board of Governors may from time to time purchase supplies and may engage and pay officers, servants and workmen, for the purposes of the hospital, and may make all such expenditures and enter in all such contracts and agreements as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditure shall be made, or entered into, unless money shall have been appropriated by the council of the City and be available for such purpose.

8. All real and personal property now or hereafter acquired by the Board of Governors shall be and it is hereby vested in the Corporation of the City of Peterborough.

Property of
Board vested
in City.

9. The Corporation of the City of Peterborough and the Board of Governors respectively shall be capable of receiving, taking and holding from any person or body corporate, by grant, gift, devise or otherwise, any land or interest in land without license in mortmain, and any personal property, for the use, support and purposes of the hospital, and all persons and bodies corporate shall have full and unrestricted right and power to give, grant and bequeath to the Corporation and to the Board of Governors any land, or interest therein, and any personal property, for such use, support or purpose.

Power to
receive
and hold
property.

10. The agreement made by The Nicholls' Hospital Trust and The Municipal Corporation of the City of Peterborough, set out as schedule B hereto, and by-law number 4420 of the City of Peterborough, set out as schedule C hereto, authorizing the execution by the Corporation of the said agreement, are hereby ratified and confirmed, and the said agreement shall be binding upon the parties thereto, according to its true intent and meaning, and the parties thereto are hereby granted all such powers as may be necessary or convenient for the purpose of carrying into effect the provisions thereof.

Nicholls'
Hospital
Trust—
City agree-
ment and
by-law 4420
validated.

11. All gifts, trusts, bequests, devises, and grants of real or personal property, or of the income or proceeds thereof, heretofore or hereafter expressed by any person in his deed or will, to be made, given or conveyed to The Nicholls' Hospital Trust shall, in so far as the same shall not have vested in possession, or been carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary, set out in such deed or will, be construed as though the same had been expressed to be made to the Corporation of the City of Peterborough, for the purposes of the hospital to be established under this Act, and shall be paid over, granted or conveyed, by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will to the Board of Governors, whose receipt shall be a sufficient discharge thereof.

Gifts to
Nicholls'
Hospital
Trust to be
paid to
Board of
Governors.

12. The Board of Governors shall be entitled to recover from a patient other than one who is unable, by reason of poverty, to pay for the same, the charges fixed by the Board for treatment in the hospital.

Recovery
of charges.

13.—(1) The Board of Governors shall, on or before the 1st day of February in each year, prepare and certify to the council of the City for its consideration an estimate of the

Annual
estimates.

revenue and expenditures proposed to be made in connection with the hospital during the year.

Special
rate.

(2) The Council of the City shall, in each year, assess and levy, by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimates as are approved by the council, provided that such rate shall not exceed the limit fixed by subsection 1 of section 315 of *The Municipal Act*.

Rev. Stat.,
c. 266.

City liable
under
*The Public
Hospitals
Act*,
Rev. Stat.,
c. 390.

(3) Nothing contained in subsections 1 and 2 shall relieve the Corporation of the City from any liability under *The Public Hospitals Act*.

Deposit
of moneys.

14.—(1) All moneys received by the Board of Governors or by the superintendent of the hospital, for the uses thereof, shall be deposited in a special account to be kept in the name of the Board of Governors in a chartered bank in the City of Peterborough.

Signing
of cheques.

(2) All cheques drawn upon the said account shall be signed by such officer or officers as the Board of Governors may designate and appoint for that purpose.

Audit.

15.—(1) The auditor of the Corporation of the City shall audit annually, and at such other times as he may be directed by the council, the books of account and the expenditures and revenue of the hospital, and he shall prepare and submit to the Corporation of the City in the month of January in each year a report, showing the revenue and expenditures made by, or on behalf of, the hospital, during the preceding year, and the assets and liabilities of the hospital.

Idem.

(2) The auditor shall report to the council of the City upon any expenditures made by the Board of Governors, contrary to law or the provisions of this Act.

Idem.

(3) The auditor shall supervise and determine, from time to time, the methods of bookkeeping and accounting to be employed in connection with the hospital.

By-laws and
regulations.

16. Subject to the approval of the Lieutenant-Governor in Council, the Board of Governors may pass by-laws and make regulations for the management of the hospital.

Salaries,
etc.

17. Subject to the provisions of subsection 3 of section 7, the Board of Governors shall have power to fix all salaries and wages to be paid to the medical and other superintendents thereof, and to their assistants and clerks, and to all other officers and servants of the Board.

18. The Board of Governors may from time to time borrow for the purposes of the general maintenance of the hospital a sum not to exceed \$10,000 at any one time.

Power
to borrow.

19. The Nicholls' Hospital Trust is hereby authorized and empowered to assign, transfer, grant and convey the property and assets pursuant to the terms of the agreement referred to in section 10 and to do all other acts and things required to fully and completely carry out the provisions and intentions of the said agreement and all such assignments, transfers, grants or conveyances thereof or of any part thereof heretofore or hereafter made are hereby validated.

Nicholls'
Hospital
Trust may
transfer
assets.

20. Notwithstanding anything contained in *The Public Utilities Act* or any other Statute of Ontario the Peterborough Utilities Commission may retain in its possession and control the surplus moneys heretofore arising from its operation of the waterworks utility under its management and control, which surplus moneys are made up of the receipts heretofore arising from the operation of the said waterworks utility after providing for the expenditures incurred for the maintenance and operation of the same, and as and when the hospital is erected, the Peterborough Utilities Commission may, out of the said surplus moneys pay to the Corporation of the City of Peterborough and the Corporation of the City of Peterborough may receive from the Peterborough Utilities Commission, the sum of \$50,000 to be applied towards the cost of the erection and equipment of the hospital.

Rev. Stat.,
c. 286,
Utilities
Commission,
—
power to aid
hospital.

21.—(1) The council of the County of Peterborough is authorized and empowered to make a grant in a sum not exceeding \$150,000 to the Board of Governors.

Peter-
borough
County,
power to
make grant
to hospital.

(2) The council of the County of Peterborough may provide by by-law, to be passed without obtaining the assent of the electors of the County of Peterborough, for borrowing upon debentures of the Corporation of the County of Peterborough for the purpose of making the grant mentioned in subsection 1, a sum not exceeding \$150,000.

Power to
borrow upon
debentures.

(3) Such debentures shall be made payable within thirty years at latest from the date of issue.

Term of
debentures.

(4) Every such by-law shall comply with the provisions of section 305 of *The Municipal Act* in so far as such provisions are applicable and the principal and interest due in respect of the debentures issued thereunder shall be made payable as provided in such section.

Rev. Stat.,
c. 266, s. 305,
to apply.

22. Notwithstanding the provisions of the Act entitled *An Act respecting the City of Peterborough*, being chapter 104

Payment
from
City Trust.

of the Statutes of Ontario, 1908, or any other Statute of Ontario, the Commissioners of the Peterborough City Trust are authorized and empowered to pay to the Corporation of the City of Peterborough the sum of \$300,000 from the surplus moneys in the sinking funds of the said City Trust, to assist in financing the construction of the hospital.

1886, c. 87,
1931, c. 139,
repealed.

23. The Act entitled *An Act to Incorporate The Nicholls' Hospital Trust* being chapter 87 of the Statutes of Ontario, 1886, and the Act entitled *An Act respecting The Nicholls' Hospital Trust* being chapter 139 of the Statutes of Ontario, 1931, are hereby repealed.

Commence-
ment of Act.

24. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

25. This Act may be cited as *The Peterborough Civic Hospital Act, 1945*.

SCHEDULE A

BY-LAW NUMBER 4403

A by-law authorizing the borrowing of \$600,000.00 upon debentures for the Peterborough General Hospital and Nurses' Residence.

WHEREAS it is expedient to borrow for the construction of the Peterborough General Civic Hospital and Nurses Residence a sum not exceeding Six Hundred Thousand Dollars (\$600,000.00) upon the credit of the Corporation, to issue debentures therefor bearing interest at the rate of three per centum (3%) per annum payable semi-annually and to provide for the discount and the expenses incidental to negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of twenty years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debt, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same; subject to the statutory proviso that each instalment of principal may be for an even \$100.00, \$500.00 or \$1,000.00, or multiple thereof, and, that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

AND WHEREAS the amount of the whole rateable property in the City of Peterborough according to the last revised assessment roll thereof is \$25,501,689.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments, is \$2,376,520.70 and no part of the principal or interest of such debt is in arrear;

AND WHEREAS by Order dated the _____ day of _____, 194____, the Ontario Municipal Board has approved the purpose of the said borrowing and the passing of all requisite by-laws, including debenture by-laws;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PETERBOROUGH ENACTS AS FOLLOWS:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding Six Hundred Thousand Dollars (\$600,000.00) and shall issue debentures therefor in sums of not less than \$50.00 each. Each debenture shall bear interest at the rate of three per centum (3%) per annum payable semi-annually and shall have coupons attached thereto for the payment of such interest.

2. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this By-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

3. The debentures shall be payable as to both principal and interest in lawful money of Canada at the office of the Secretary of the Peterborough City Trust in the City of Peterborough.

4. The said debentures shall be sealed with the Seal of the Corporation and signed by the Mayor and Treasurer thereof and countersigned by the Secretary of The Peterborough City Trust. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

5. Commencing in the year 1947 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fifth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon all the rateable property in the Municipality.

6. The said debentures may contain a clause providing for the registration thereof pursuant to section 336 of The Municipal Act.

7. Pending the sale of the said debentures, the head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The said debentures shall be redeemable at the option of the Corporation of the City of Peterborough on the 30th day of June or the 31st day of December in any year during the currency of the said debentures. In case the debentures are so redeemed, the place of payment for the said debentures shall be at the office of the Secretary of The Peterborough City Trust in the City of Peterborough. The value at which said debentures may be redeemed shall be the principal sum thereof together with accrued interest thereon.

Read a first and second time this 3rd day of November, A.D. 1944.

JAS. HAMILTON,
Mayor.
E. A. OUTRAM,
Clerk.

Read a third time and finally passed this day of
, A.D. 194 .

.....
Mayor.
.....
Clerk.

CITY OF PETERBOROUGH DEBENTURE ISSUE

to provide funds for

ERECTION AND EQUIPMENT OF A CIVIC GENERAL HOSPITAL AND
NURSES' RESIDENCE

\$600,000—1 to 20 years—3% Instalment Serials

Interest payable June 30th and Dec. 31st

Year		Balance Principal	Payments		Total
			Principal	Interest	
1	Jan. 1.....	600,000			
	June 30....			9,000	9,000
	Dec. 31.....		22,000	9,000	40,000
2	Jan. 1.....	578,000			
	June 30....			8,670	8,670
	Dec. 31.....		23,000	8,670	40,340
5	Jan. 1.....	555,000			
	June 30....			8,325	8,325
	Dec. 31.....		24,000	8,325	40,650
4	Jan. 1.....	531,000			
	June 30....			7,965	7,965
	Dec. 31.....		25,000	7,965	40,930
10					Year

Year		Balance Principal	Payments		Total
			Principal	Interest	
5	Jan. 1.....	506,000			
	June 30.....			7,590	7,590
	Dec. 31.....		26,000	7,590	33,590
					41,180
6	Jan. 1.....	480,000			
	June 30.....			7,200	7,200
	Dec. 31.....		27,000	7,200	34,200
					41,400
7	Jan. 1.....	453,000			
	June 30.....			6,795	6,795
	Dec. 31.....		28,000	6,795	34,795
					41,590
8	Jan. 1.....	425,000			
	June 30.....			6,375	6,375
	Dec. 31.....		29,000	6,375	35,375
					41,750
9	Jan. 1.....	396,000			
	June 30.....			5,940	5,940
	Dec. 31.....		30,000	5,940	35,940
					41,880
10	Jan. 1.....	366,000			
	June 30.....			5,490	5,490
	Dec. 31.....		31,000	5,490	36,490
					41,980
11	Jan. 1.....	335,000			
	June 30.....			5,025	5,025
	Dec. 31.....		31,000	5,025	36,025
					41,050
12	Jan. 1.....	304,000			
	June 30.....			4,560	4,560
	Dec. 31.....		32,000	4,560	36,560
					41,120
13	Jan. 1.....	272,000			
	June 30.....			4,080	4,080
	Dec. 31.....		32,000	4,080	36,080
					40,160
14	Jan. 1.....	240,000			
	June 30.....			3,600	3,600
	Dec. 31.....		33,000	3,600	36,600
					40,200
15	Jan. 1.....	207,000			
	June 30.....			3,105	3,105
	Dec. 31.....		33,000	3,105	36,105
					39,210
16	Jan. 1.....	174,000			
	June 30.....			2,610	2,610
	Dec. 31.....		34,000	2,610	36,610
					39,220
17	Jan. 1.....	140,000			
	June 30.....			2,100	2,100
	Dec. 31.....		34,000	2,100	36,100
					38,200
18	Jan. 1.....	106,000			
	June 30.....			1,590	1,590
	Dec. 31.....		35,000	1,590	36,590
					38,180
19	Jan. 1.....	71,000			
	June 30.....			1,065	1,065
	Dec. 31.....		35,000	1,065	36,065
					37,130
20	Jan. 1.....	36,000			
	June 30.....			540	540
	Dec. 31.....		36,000	540	36,540
					37,080
			600,000	203,250	803,250
					803,250

SCHEDULE B

THIS AGREEMENT made in triplicate the nineteenth day of January, One Thousand Nine Hundred and Forty-five,

BETWEEN:

THE NICHOLLS HOSPITAL TRUST (hereinafter called the "Trust")

OF THE FIRST PART,

—and—

THE MUNICIPAL CORPORATION OF THE CITY OF PETERBOROUGH (hereinafter called the "Corporation")

OF THE SECOND PART.

WHEREAS the present hospital accommodation in the City of Peterborough is inadequate;

AND WHEREAS the Trust has agreed with the Corporation to transfer and pay over to the Corporation subject to its liabilities all its assets present and future of every nature and kind whatsoever upon assent being given to a Private Act authorizing the said Trust to do so and releasing the Trustees of the said Trust from all responsibility and liability for the proper application and use of the said assets.

AND WHEREAS the Corporation has agreed with the Trust to assume all liabilities rights and duties of the said Trust and to undertake the erection of a modern hospital to meet the needs of the residents of the City and County of Peterborough for hospital accommodation and to place in the entrance thereto the stained glass memorial window now in the Nicholls Hospital and a suitable tablet inscribed to the memory of Robert Nicholls and Charlotte Jane Nicholls as founders of The Nicholls Hospital and The Nicholls Hospital Trust;

AND WHEREAS the parties hereto are now joining in an application to the Legislative Assembly of the Province of Ontario for the granting of all necessary powers to the applicants to carry out the arrangements above mentioned;

NOW THEREFORE THIS INDENTURE WITNESSETH and the Parties hereto mutually covenant and agree as follows:

1. The Corporation hereby undertakes to use its best endeavours to obtain the necessary authority to permit the erection and maintenance of a modern hospital to carry out the functions and work hitherto exercised and performed by The Nicholls Hospital and such other functions and work as may be required to provide adequate hospital accommodation.

2. The Trust hereby covenants and agrees with the Corporation that in the event of the Corporation agreeing to erect and equip a modern hospital and place and maintain therein the memorial window and tablet above mentioned and in the further event of the Corporation making provision for the carrying on for the future the work hitherto performed by The Nicholls Hospital then the Trust will grant and convey to the Corporation subject only to the payment of its outstanding obligations and liabilities (including any liability of individual Trustees) all its real and personal property whether now in possession or subsequently acquired and including all gifts, legacies, devises and bequests which may now or hereafter be received by it from any person or Corporation to have and to hold the same unto and to the uses of the Corporation.

IN WITNESS WHEREOF the Parties hereto have hereunto respectively

affixed their Corporate Seals attested by the hands of their Officers duly authorized in that behalf.

THE NICHOLLS HOSPITAL TRUST

(Seal)
The Nicholls Hospital
Trust

H. M. YELLAND, M.D.,
Chairman.

C. LACHEUR,
Honorary Secretary.

THE CORPORATION OF THE CITY
OF PETERBOROUGH

(Corporate Seal)

JAS. HAMILTON,
Mayor.

E. A. OUTRAM,
Clerk.

SCHEDULE C

BY-LAW NUMBER 4420

A by-law to authorize the execution of an agreement between The Nicholls Hospital Trust and the Municipal Corporation of the City of Peterborough.

Passed the 23rd day of January, A.D. 1945.

The Corporation of the City of Peterborough by the Council thereof enacts as follows:

1. The Mayor and Clerk be and they are hereby authorized and instructed to sign and attach the seal of the Corporation to the Agreement entered into between The Nicholls Hospital Trust and The Municipal Corporation of the City of Peterborough dated the 19th day of January, 1945, a copy of which agreement is hereunto annexed.

JAS. HAMILTON,
Mayor.

(Corporate Seal)

E. A. OUTRAM,
Clerk.

CHAPTER 35.

An Act respecting the City of Port Arthur.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

WHEREAS the Corporation of the City of Port Arthur Preamble.
 has by its petition represented that the Corporation is desirous of enacting and passing the proposed by-law set out in the schedule hereto authorizing the issue of debentures for \$175,000 for the purpose of a grant of moneys to the General Hospital of Port Arthur to aid in the erection of an extension or addition to its hospital premises in the City of Port Arthur; and whereas the said proposed by-law was submitted to and received the assent of the electors of the said Corporation, 3,276 having voted in favour of the said by-law and 381 having voted against the said by-law; and whereas the Corporation of the City of Port Arthur has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board Power to grant \$175,000 to General Hospital.
 to the proposed debenture issue therefor, the Corporation of the City of Port Arthur shall have power to grant to the General Hospital of Port Arthur the sum of \$175,000 for the purpose of aiding in the erection of an extension or addition to the hospital premises in the City of Port Arthur of the General Hospital of Port Arthur as provided in the proposed by-law set out in the schedule hereto.

2. The council of the Corporation of the City of Port Power to pass proposed By-law No. 2606.
 Arthur may, with the approval of the Ontario Municipal Board, pass the proposed by-law number 2606 set out in the schedule hereto and notwithstanding the provisions of paragraph 10 thereof the proposed by-law shall come into force and effect when so approved and passed, and thereupon such by-law shall be legal, valid and binding upon the Corporation of the City of Port Arthur and the ratepayers thereof.

3. The amounts to be levied and raised annually for pay- Amounts levied not to be deemed grants in aid.
 ment of the debentures authorized under the proposed by-law set

Rev. Stat.,
c. 266.

set out in the schedule hereto shall not be deemed to be for granting aid to public hospitals for the purposes mentioned in paragraph 28 of section 404 of *The Municipal Act*.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Port Arthur Act, 1945*.

SCHEDULE

BY-LAW NUMBER 2606

A By-law to authorize the issue of Debentures for \$175,000.00 for the purpose of a grant to The General Hospital of Port Arthur to aid in erecting an extension to its Hospital at Port Arthur, Ontario.

WHEREAS it is proposed by The General Hospital of Port Arthur to construct an addition or extension to its Hospital in Port Arthur at an estimated cost not exceeding \$350,000.00, whereof it is anticipated one-half will be provided by the Government of the Dominion of Canada and the remaining one-half, not exceeding \$175,000.00, will be provided by The Corporation of The City of Port Arthur;

AND WHEREAS the Council of The Corporation of The City of Port Arthur has been requested by The General Hospital of Port Arthur to make a grant to the said Hospital for the said purpose not exceeding the said sum of \$175,000.00;

AND WHEREAS the Council deems it advisable and expedient to submit this By-law to the vote of the electors qualified to vote on money by-laws and, if assented to by the said electors and validated by the Legislative Assembly of the Province of Ontario, to issue Debentures in the sum of \$175,000.00 to provide the monies required to be raised by The Corporation of The City of Port Arthur for the said purpose, which said sum of \$175,000.00 is the maximum amount of the debt intended to be created by this By-law;

AND WHEREAS it is necessary to borrow the said sum of \$175,000.00 on the credit of The Corporation and to issue Debentures therefor payable within twenty (20) years from the time of the issuing thereof and bearing interest at the rate of three and one-half per cent ($3\frac{1}{2}\%$) per annum.

AND WHEREAS it is desirable to issue the Debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of twenty (20) years being the currency of the said Debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the said twenty (20) years of the said period as shown in Schedule "A" hereto attached; PROVIDED THAT the said Debentures shall be redeemable before the maturity thereof in the manner hereinafter set out;

AND WHEREAS it will be necessary to raise annually the sum of \$12,313.21 during the period of twenty years to pay for the said yearly sums of principal and interest as they become due, which said sums shall be levied and raised by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the passing of this By-law has been duly approved by The Ontario Municipal Board pursuant to the provisions of section 70 of *The Ontario Municipal Board Act*, being 1937 Revised Statutes of Ontario, Chapter 60, and amendments thereto, on the _____ day of _____, A.D. 1945;

AND WHEREAS the amount of the whole rateable property of the City of Port Arthur, according to the last revised Assessment Roll, is \$33,693,784.00, of which \$5,119,007.00 is wholly exempt from taxation and \$800,000.00 is exempt except for school taxes and unemployment relief purposes;

AND WHEREAS the amount of the existing Debenture Debt of the Corporation (exclusive of Local Improvement Debts secured by special acts, rates and assessments) is \$1,846,951.03 and no part of the principal or interest is in arrears;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT ARTHUR enacts as follows:

1. The Corporation of The City of Port Arthur may grant to The General Hospital of Port Arthur to aid in the construction of an addition or extension to its Hospital at Port Arthur, Ontario, an amount equal to one-half the cost or such addition or extension but not, in any event, exceeding the sum of \$175,000.00.

2. For the purpose aforesaid, there shall be borrowed on the credit of the Corporation at large the sum of \$175,000.00 and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of three and one-half per cent ($3\frac{1}{2}\%$) per annum and the said Debentures shall have coupons attached thereto for payment of the interest semi-annually.

3. The said Debentures shall all bear the same date and shall be issued within two years after the date on which this By-law shall come into force and effect, and may bear any date within such two (2) years and shall be payable within twenty (20) years and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "A" hereto attached.

4. The Debentures issued under this By-law shall be redeemable in whole or in part at the option of the Corporation at the Port Arthur (Ontario) Branch of the Bank of Montreal on any date prior to maturity at the redemption price of One Hundred per centum (100%) of their face value together with accrued interest to the date set for redemption; provided that if part only of the Debentures is to be redeemed the Debentures to be redeemed shall be redeemed in the reverse order of maturity so that no Debentures shall be called for such redemption in priority to any Debenture that has a later maturity date, and provided further that if part only of the Debentures of any maturity is to be redeemed the Debentures to be redeemed shall be selected by lot by the Treasurer of the City in such manner as he shall consider equitable. From and after the date set for redemption interest on the Debentures called for redemption shall cease to accrue and such Debentures shall become due and payable on such date. Notice of intention to redeem any of the said Debentures shall be forwarded by the Corporation by registered mail to each person in whose name any Debenture is registered at the address of such person shown in the Debenture Registry Book of the Corporation, and shall also be advertised by the Corporation in a newspaper published or circulated in the City of Port Arthur (Ontario) and in a daily newspaper published in the City of Toronto (Ontario), and in *The Ontario Gazette*, such notice to be forwarded and such advertisement to appear in each newspaper and in *The Ontario Gazette* at least thirty (30) days prior to the date fixed for redemption, and such notices and such advertisements shall specify the date set for such redemption, the Debentures to be redeemed, the place of redemption and the redemption price thereof, and shall state that from and after the date set for such redemption the interest on the Debentures so specified shall cease to accrue and that such Debentures shall become due and be payable on such date. Each and every debenture when redeemed as aforesaid shall be cancelled forthwith.

5. The Debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

6. The interest on the said Debentures shall be payable semi-annually in each year during the said twenty (20) years on such dates as the Council shall hereafter determine and the said interest shall be payable at the Head Office of the Bank of Montreal in the Cities of Port Arthur, Montreal, Toronto, Winnipeg, and Vancouver.

7. Each of the Debentures shall be signed by the Mayor of the City or by some other person authorized by By-law to sign the same and by the Treasurer of the said City, and the Clerk shall attach thereto the Corporate Seal of the Corporation. The interest coupons shall be signed by the Treasurer of the Corporation, and his signature thereto may be written, stamped, lithographed, or engraved.

8. During twenty (20) years, the currency of the said Debentures, there shall be levied and raised annually in respect thereof the sum of \$12,313.21 by special rates sufficient therefor over and above all other rates on all the rateable property in the City of Port Arthur at the same time and in the same manner as other rates.

9. The Debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal Debentures in force at the time of the issue thereof.

10. This By-law shall not come into force or effect until assented to by the electors qualified to vote on money by-laws and validated by a special Act of the Legislative Assembly of the Province of Ontario.

ENACTED AND PASSED this day of , A.D. 1945.

.....
Mayor.

.....
Clerk.

Council Chambers,
Port Arthur, Ontario.
First Reading.....
Second Reading.....
Third Reading.....

Schedule "A"

PORT ARTHUR GENERAL HOSPITAL EXTENSION

By-law No. 2606

Amount: \$175,000.00

Due: Term: 20 years Interest: 3½%

Deb. No.	Year	Interest	Principal	Annual Payment	Balance
1.....		\$6,125.00	\$6,188.21	\$12,313.21	\$168,811.79
2.....		5,908.41	6,404.80	12,313.21	162,406.99
3.....		5,684.24	6,628.97	12,313.21	155,778.02
4.....		5,452.23	6,860.98	12,313.21	148,917.04
5.....		5,212.09	7,101.12	12,313.21	141,815.92
6.....		4,963.56	7,349.65	12,313.21	134,466.27
7.....		4,706.32	7,606.89	12,313.21	126,859.38
8.....		4,440.08	7,873.13	12,313.21	118,986.25
9.....		4,164.52	8,148.69	12,313.21	110,837.56
10.....		3,879.31	8,433.90	12,313.21	102,403.66
11.....		3,584.13	8,729.08	12,313.21	93,674.58
12.....		3,278.61	9,034.60	12,313.21	84,639.98
13.....		2,962.40	9,350.81	12,313.21	75,289.17
14.....		2,635.12	9,678.09	12,313.21	65,611.08
15.....		2,296.39	10,016.82	12,313.21	55,594.26
16.....		1,945.80	10,367.41	12,313.21	45,226.85
17.....		1,582.94	10,730.27	12,313.21	34,496.58
18.....		1,207.38	11,105.83	12,313.21	23,390.75
19.....		818.67	11,494.54	12,313.21	11,896.21
20.....		417.00	11,896.21	12,313.21
			\$175,000.00		

CHAPTER 36.

An Act respecting the Royal Ottawa Sanatorium.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

WHEREAS the Corporation of the City of Ottawa has Preamble
 by its petition prayed for special legislation to amend
 the Act entitled *An Act respecting the establishment in the*
City of Ottawa of a Hospital or Sanatorium for the reception,
care and treatment of persons suffering from tuberculosis, 1909, c. 117.
 being chapter 117 of the Statutes of Ontario, 1909; and whereas it
 is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Section 3 of the said Act is amended by striking out all 1909, c. 117, s. 3, amended.
 the words after the word "erected" in the fifth line and
 inserting in lieu thereof the words "on the lands of the said
 hospital or sanatorium be forever held by the said Corporation,
 the said association, the board of trustees referred to in sec-
 tion 4 of this Act, or any one or more of them, as a hospital
 or sanatorium for the purposes aforesaid and shall be forever
 maintained by the said Corporation, the said association, the
 said board of trustees, or any one or more of them for the
 said purposes in accordance with and subject to the provisions
 of this Act and of any agreement or agreements now or here-
 after entered into between the said Corporation and the said
 association", so that the said section shall now read as follows:

3. The said hospital or sanatorium when completed and Hospital to be held by Corporation, etc.
 furnished as aforesaid and open and ready for the
 reception, care and treatment of patients, shall
 thereafter, together with such additional buildings
 as may from time to time be erected on the lands of
 the said hospital or sanatorium be forever held by
 the said Corporation, the said association, the board
 of trustees referred to in section 4 of this Act, or
 any one or more of them, as a hospital or sanatorium
 for the purposes aforesaid and shall be forever main-

tained by the said Corporation, the said association, the said board of trustees, or any one or more of them for the said purposes in accordance with and subject to the provisions of this Act and of any agreement or agreements now or hereafter entered into between the said Corporation and the said association.

1909,
c. 117, s. 4,
amended.

2. Section 4 of the said Act is amended by striking out all the words after the word "in" in the third line and by inserting in lieu thereof the words "a board of not less than five trustees whose total number, qualifications, manner of appointment and term of office may from time to time be regulated by agreement between the said Corporation and the said association, provided, however, that one trustee shall be the mayor of the City of Ottawa and one additional trustee may at any time be appointed by the Lieutenant-Governor in Council to hold office during pleasure, and such board shall be a corporation under the name of 'The Board of Trustees of the Royal Ottawa Sanatorium'," so that the said section shall now read as follows:

Board of
manage-
ment.

4. The management of the said hospital or sanatorium, including all appointments to the staff thereof, shall be vested in a board of not less than five trustees whose total number, qualifications, manner of appointment and term of office may from time to time be regulated by agreement between the said Corporation and the said association, provided, however, that one trustee shall be the mayor of the City of Ottawa and one additional trustee may at any time be appointed by the Lieutenant-Governor in Council to hold office during pleasure, and such board shall be a corporation under the name of "The Board of Trustees of the Royal Ottawa Sanatorium".

1909,
c. 117, s. 5,
amended.

3. Section 5 of the said Act is amended by adding at the commencement the words "so long as the said hospital or sanatorium is maintained in whole or in part by the said Corporation", so that the said section shall now read as follows:

Annual
estimates.

5. So long as the said hospital or sanatorium is maintained in whole or in part by the said Corporation, the annual estimate of expenditure to be made for and in connection with the said hospital or sanatorium shall be prepared and certified to the Council of the said Corporation by the Board of Control of the said Corporation under the provisions of section 277 of "*The Consolidated Municipal Act, 1903*", and all appropriations, expenditures, contracts and purchases

of supplies and material for or in connection with the said hospital or sanatorium shall be subject to and be governed by the provisions of the said section.

4. Section 6 of the said Act is amended by striking out the word "aforesaid" in the second line and inserting in lieu thereof the words "referred to in section 2 of this Act", so that the said section shall now read as follows:

1909,
c. 117, s. 6,
amended.

6. Should the said association become incorporated subsequent to the making of the agreement referred to in section 2 of this Act, then all the covenants contained in the said agreement and the provisions of this Act, shall enure to the benefit of and be binding upon the said incorporated association.

Provision
for incor-
poration of
association.

5. Section 7 of the said Act is repealed and the following substituted therefor:

1909,
c. 117, s. 7,
re-enacted.

7. Sections 16, 17 and 18 of *The Sanatoria for Consumptives Act* shall not apply to the said hospital or sanatorium.

Rev. Stat.,
c. 395,
ss. 16, 17, 18,
not to apply.

6. The said Act is further amended by adding thereto the following sections:

1909,
c. 117,
amended.

13. The said Corporation may convey, transfer and release to the said association or to the said board of trustees all lands, buildings, furnishings and equipment of the said hospital or sanatorium for such consideration and upon such terms and conditions as may be agreed upon between the said Corporation and the said association.

Power to
transfer
property.

14. The said Corporation may enter into an agreement or agreements with the said association respecting the maintenance of the said hospital or sanatorium and the assumption by the said association of all the costs and expenses of the said hospital or sanatorium and all liability of the said Corporation in connection therewith, other than the liability of the said Corporation for existing debentures issued for the purposes of the said hospital or sanatorium.

Power to
make
maintenance
agreements.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

8. This Act may be cited as *The Royal Ottawa Sanatorium Act, 1945*.

Short title.

CHAPTER 37.

An Act respecting the City of St. Thomas.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

WHEREAS the Corporation of the City of St. Thomas Preamble.
 has by its petition prayed for special legislation in
 respect of the several matters hereinafter set forth; and
 whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1.—(1) In this section "airport" shall include air harbour, Interpre-
 landing ground, airplane or seaplane base or combined air- tation.
 plane and seaplane base and other facilities for the use of "airport."
 any or all kinds of aircraft or air vehicles, together with any
 land, buildings, structures or equipment required therefor or
 to provide access thereto.

(2) The council of the Corporation of the City of St. Thomas Establish-
 may acquire, purchase or lease lands in the City or within ment and
 ten miles of the limits thereof for the purpose of an airport use of
 and may establish, construct and equip an airport thereon, airport,
 or acquire, purchase or lease any airport now or hereafter agreements
 established in the County of Elgin, at such price and upon as to, and
 such terms and conditions as the Council may determine, issue of
 and may maintain, operate and use such airport at the debentures.
 expense of the Corporation out of the general funds thereof,
 and may with respect thereto enter into an agreement or
 agreements with any person, or with the Government of the
 Dominion of Canada, or of any Province in Canada, or
 with any other municipality or municipalities and may lease,
 sell or otherwise dispose of such airport when no longer required
 at such price and upon such terms and conditions as the
 council may determine, and notwithstanding the provisions
 of *The Municipal Act* or any other general Act, may, without
 the assent of the electors qualified to vote on money by-laws
 but with the approval of the Ontario Municipal Board, pass
 a by-law or by-laws to authorize the issue of debentures to
 raise the amount of money required for the acquisition and
 establishment of such airport.

Rev. Stat.,
c. 266.

Assessment
and taxa-
tion of
airport.

(3) Any land acquired under this section in another municipality or other municipalities shall be liable to assessment and taxation by the municipality or municipalities in which it is situate, and such municipality or municipalities shall assess such land including buildings and equipment at the same average value per acre inclusive of buildings and equipment, as farm property including buildings and equipment adjacent thereto is assessed.

Purchases
and con-
veyances
validated.

2.—(1) The purchases made by the Corporation of the City of St. Thomas of lands within the limits thereof prior to the 1st day of January, 1945, are ratified, confirmed and declared to be legal, valid and binding, and every conveyance of such lands to the Corporation shall be deemed to have had the effect of vesting such land in the Corporation in fee simple or otherwise, according to the nature of the estate or interest conveyed, clear of and free from all right and interest other than that of the Corporation, and the lands so purchased shall be deemed to have been acquired for the purposes of the Corporation.

Sales and
conveyances
validated.

(2) Every sale of the lands or part or parts thereof made by the Corporation and every conveyance of the said lands or part or parts thereof so sold executed by the Corporation and purporting to convey such lands or part or parts thereof to the purchaser thereof, his heirs or assigns, or its successors or assigns and every lease or agreement of sale agreeing to sell such land or part or parts thereof are confirmed and declared to be legal, valid and binding and every such conveyance shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives or its successors and assigns in fee simple or otherwise, according to the nature of the estate or interest conveyed.

Power to
close part
of certain
streets.

3. Notwithstanding the provisions of *The Municipal Act* or any other general Act, the council of the Corporation of the City of St. Thomas may pass by-laws,—

Hincks
Street.

(a) to stop up and close the Easterly Eight feet of that part of Hincks Street lying west of Lot 9, Block "M", Plan 3, in the said City and to sell and dispose of the same to Andersons Limited at such price and upon such terms and conditions as the council may determine;

Forest
Avenue.

(b) to stop up that part of Forest Avenue west of Ross Street in the said City and to lease or sell the whole or any part thereof, upon the condition that no building or structure of any kind shall be erected thereon and reserving to the Corporation and every board or commission thereof, its employees, servants

or agents, such rights as the council may deem necessary to enter upon the said lands at all times for the purpose of laying down and constructing sewers, manholes, drains, pipes for water and gas and conduits for wires of all kinds, and of erecting poles with all necessary anchors, guys and braces and of stringing wires of all kinds in, under, upon and over the said lands, and of keeping and maintaining the same as well as any sewers or manholes now in, under and upon the said lands in good condition and repair, and relaying, reconstructing, enlarging, re-erecting and replacing the same at such price or rental and upon such other terms and conditions as the council may determine;

- (c) to stop up the Easterly eighty-eight feet nine and one-quarter inches of Wabbun Street in the said City and to sell and dispose of the same to abutting owners at such price and upon such terms and conditions as the council may determine;

4. The lands hereinafter described are hereby detached from the Township of Yarmouth and annexed to the City of St. Thomas, and shall form part of the City of St. Thomas for all purposes:

FIRSTLY: That part of the east half of lot number six (6) in the ninth Concession of the Township of Yarmouth, in the County of Elgin, lying south of the right of way of the former Grand Trunk Railway, containing by admeasurement twenty-five one hundredths of an acre, be the same more or less, more particularly described as follows:

COMMENCING at a point where the easterly limit of lot number six (6) intersects the southerly limit of the right of way of the Grand Trunk Railway; thence southerly on the said easterly limit eighty-four (84') feet; thence westerly at right angles to the said easterly limit one hundred and thirty-two (132') feet; thence northerly parallel to the easterly limit eighty-one (81') feet more or less to the southerly limit of the right of way of the Grand Trunk Railway; thence easterly thereon one hundred and thirty-two (132') feet more or less to the place of beginning.

SECONDLY: The easterly one hundred and fifty-seven feet (157'0") of the southerly two hundred and seventy-seven feet and six inches (277'6") of lot number six (6) in the ninth Concession of the Township of Yarmouth in the County of Elgin.

THIRDLY: The westerly one hundred and thirty-two feet (132'0") of the southerly three hundred and thirty feet (330'0") of Lot number seven (7) in the ninth Concession of the Township of Yarmouth in the County of Elgin.

1938,
c. 67, s. 5,
amended.

5. Section 5 of *The City of St. Thomas Act, 1938*, is amended by striking out the word "west" in the fourth line of the description and inserting in lieu thereof the word "east" so that the said section shall now read as follows:

Correction
as to
city limits.

5. The following lands are hereby detached from the Township of Yarmouth and annexed to the city of St. Thomas, and shall form part of the municipality of the city of St. Thomas for all purposes:

That part of the west half of lot number six in the ninth Concession of said Township of Yarmouth which lies south of the right of way of the Grand Trunk Railway and east of the centre line of First Avenue produced northerly to the said right of way of the said Grand Trunk Railway which is not now part of the said city of St. Thomas.

1923,
c. 86, s. 3,
amended.

6.—(1) Section 3 of the Act entitled *An Act respecting the City of St. Thomas*, being chapter 86 of the Statutes of Ontario, 1923, is amended by inserting after the word "erection" in the fourth line, the words "or enlargement at any time" so that the said section shall now read as follows:

Acquisition
of land,
enlargement
and altera-
tions to
Amasa
Wood or
Memorial
Hospital.

3. The Council of the Corporation of the City of St. Thomas may purchase, or acquire any additional land adjacent to the lands occupied by the Amasa Wood Hospital and Nurses' Home, that may be required for the erection or enlargement at any time of such Memorial Hospital, and may make any alterations in the Amasa Wood Hospital as may be necessary to connect the two buildings.

1923,
c. 86, s. 7,
amended.

(2) Section 7 of the said Act is amended by inserting after the word "maintenance" in the fifth line the words "or operation" and by inserting after the word "enlargement" in the twelfth line, the words "or maintenance or operation" so that the said section shall now read as follows:

Grants by
municipali-
ties.

7. It shall be lawful for the Councils of the Corporation of the County of Elgin, and of the several municipalities within the county from time to time to contribute a sum or sums of money, for the construction or enlargement of the said hospital, or towards the maintenance or operation thereof, or of any patients therein, and to pass by-laws and resolutions in the

exercise of the powers hereby conferred, and the Council of the Corporation of the City of St. Thomas may from time to time by by-law grant representation on the Board of Trustees to the Corporation of the County or of any local municipality within the County, making a substantial grant for the construction or enlargement or maintenance or operation of the said hospital, and may also by by-law provide for the election by the electors of the City of St. Thomas of additional members of the said Board not exceeding three, as occasion may require.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of
Act.

8. This Act may be cited as *The City of St. Thomas Act*, Short title.
1945.

CHAPTER 38.

An Act respecting the Synod of the Diocese of
Niagara.

*Assented to March 22nd, 1945.
Legislature Dissolved March 24th, 1945.*

WHEREAS the Synod of the Diocese of Niagara has Preamble.
by its petition prayed that an Act may be passed to
amend its powers with respect to the investment of its funds;
and whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 10 of the Act entitled *An Act to Incorporate the* 1875-76,
c. 107, s. 10,
(1891, c. 100,
s. 1),
amended.
Synod of the Diocese of Niagara, being chapter 107 of the
Statutes of Ontario, 1875-76, as re-enacted by section 1 of the
Act entitled *An Act to amend the Act incorporating The Synod*
of the Diocese of Niagara, being chapter 100 of the Statutes
of Ontario, 1891, is amended by inserting after the word
"trustees" in the eleventh line the words "or upon such other
securities as are now or shall hereafter be authorized invest-
ments for joint stock insurance companies and cash-mutual
insurance corporations under the provisions of *The Companies*
Act", so that the said section shall now read as follows:

10. All the funds belonging to the synod or entrusted Investment
of funds
of synod.
to its care, including those derived from the sale of
rectory lands shall be invested only in government
securities or in municipal debentures or mortgages
forming the first charge upon real estate in Ontario,
or upon such other securities as trustees are or shall
be authorized to invest trust funds by any Act of
the Province of Ontario or upon such other securities
as are now or shall hereafter be recognized by the
High Court of Justice of the Province of Ontario, or
any division thereof, as proper for the investment of
trust funds by trustees, or upon such other securities
as are now or shall hereafter be authorized invest-
ments for joint stock insurance companies and cash-
mutual insurance corporations under the provisions

Rev. Stat.,
c. 251.

Proviso.

of *The Companies Act*, with power to alter and vary such investments from time to time by substituting others of a like nature; provided that nothing in this Act contained shall be construed to give the said synod power or authority to apply the income derived from any such investments otherwise than in strict accordance with the special trusts relating to such funds respectively.

Short title.

2. This Act may be cited as *The Synod of the Diocese of Niagara Act, 1945*.

CHAPTER 39.

An Act respecting the City of Welland.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

WHEREAS the Corporation of the City of Welland and Preamble.
 Erie Coach Lines, Limited have by their petition represented that the by-law hereinafter mentioned has received the assent of the electors of the City of Welland; and whereas the petitioners have prayed for special legislation validating the said by-law and the agreement entered into pursuant thereto securing to Erie Coach Lines, Limited, an exclusive bus transportation franchise upon the terms and conditions provided in the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law number 1444, passed by the council of the Corporation of the City of Welland on the 19th day of December, 1944, set out in the schedule hereto, authorizing the execution of an agreement between the Corporation of the City of Welland and Erie Coach Lines, Limited, relating to the grant of an exclusive transportation franchise for bus service within the limits of the City of Welland to Erie Coach Lines, Limited, is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the City of Welland in the same manner and to the same extent as if set out at length in this Act and the provisions thereof were enacted in this Act; and the said agreement, a copy of which is annexed to the said by-law, is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the City of Welland and Erie Coach Lines, Limited in the same manner and to the same extent as if set out at length in this Act and the provisions thereof were enacted in this Act. By-law 1444 and agreement validated.

2. The council of the Corporation of the City of Welland is hereby authorized and empowered to pass such further by-laws and enter into such agreements and do all such other acts, matters or things as may be deemed necessary by the said council for the full and proper carrying out and enforcement of the provisions of the said by-law number 1444 and Power to carry out agreement.

the agreement, entered into pursuant thereto, and do any and all acts, matters or things that may be necessary to secure to Erie Coach Lines, Limited, an exclusive transportation franchise for bus service within the limits of the City of Welland as provided in the said by-law number 1444.

Dept. of
Highways'
powers not
affected.

Rev. Stat.,
c. 289.

3. Nothing in the said by-law number 1444 or in any agreement entered into pursuant thereto shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Welland Act, 1945*.

SCHEDULE

City of Welland,
Presented to Council,
Nov. 7th, 1944.

BY-LAW NUMBER 1444

City of Welland,
Presented to Council,
Dec. 19th, 1944.

J. D. WATT,
City Clerk.

J. D. WATT,
City Clerk.

A by-law for entering into an agreement with Erie Coach Lines Limited.

WHEREAS it is expedient to enter into an Agreement with Erie Coach Lines Limited for the operation of a bus service within the City of Welland.

AND WHEREAS the terms of the proposed Agreement have been settled and are contained in the draft Agreement hereto annexed.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of Welland:

1. That the entering into the proposed Agreement is hereby approved and authorized.

2. That the Mayor and Clerk be and they are hereby authorized and directed to sign the engrossment of the said proposed Agreement and to affix to it the Corporate Seal of the Municipality.

3. That preparation of all necessary By-laws or Resolutions for obtaining the consent of the electors for the validation of this Agreement be and the same is hereby approved.

READ a first time, read a second time and passed in Council this 7th day of November, 1944, and referred to the electors.

(Seal)

T. H. LEWIS,
Mayor.

J. D. WATT,
Clerk.

Having received the assent of the Electors that the Bill be read a third time and finally passed in Council this 19th day of December, A.D. 1944.

(Seal) 44-146

T. H. LEWIS,
Mayor.

J. D. WATT,
Clerk.

THIS AGREEMENT made in duplicate this 19th day of September, A.D. 1944,

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF WELLAND,
hereinafter called the "City"

OF THE FIRST PART;

—and—

ERIE COACH LINES, LIMITED, hereinafter called the
"Company"

OF THE SECOND PART.

WITNESSETH that the Parties hereto agree as follows:

1. The Company shall provide a modern and efficient passenger bus transportation system, including everything pertaining to it and its operations and shall at all times during the term of this agreement keep the same in a proper and efficient condition of maintenance and repair so as to give a rapid, sure and efficacious service.

2. The Company shall have and may exercise during the term of this Agreement and of any extension and renewal thereof an exclusive franchise to maintain and operate within the limits of the City and as such limits may be from time to time a passenger transport system free from any Municipal taxation, provided that such exemption from taxation shall not apply to land or buildings occupied by the Company. Nothing herein, however, shall interfere with any present passenger transport system of the Canadian National Railway or any existing railway Company now in operation.

All time schedules and schedules of operations shall be approved by Council and revised annually not later than the 1st day of January in each year.

It is the intention of the parties hereto that the Company shall not be subject to competition in its business of transporting passengers between points in the City, except by vehicles chartered for special trips, such as cabs and taxicabs, where a minimum charge is made and collected in accordance with the City By-law in that behalf.

3. The City shall not issue any additional permit or permits, franchise or franchises to any person or persons, company, corporation or otherwise for the purpose of operating within the limits of the said City any passenger carrying public vehicles or cars or automobiles during the period of this franchise or any renewal thereof, nor in any manner whatsoever permit either actively or passively the operation of any public conveyance, except taxicabs whose minimum fare shall be as stipulated and provided in By-law Number 7 of this City.

3A. It is hereby agreed by and between the parties hereto that in the event of the City or the Board of Police Commissioners of the City passing a by-law reducing the taxi-cab fares below the fares provided by any existing by-law of the City or Board of Police Commissioners, the entire question of fares to be charged under this agreement may be referred by either party to the Ontario Municipal Board whose decision in the matter shall be final.

4. The Company may operate a passenger service on such streets of the City as may be agreed upon by the Council and the Company and shall have the privilege and right of stopping to pick up or discharge passengers at any street intersection in the said City at such place as may be designated by the Streets Committee of the City Council.

5. The Company shall have the privilege of fixing or changing fares to be charged but only with the approval of the Council. In the event of dispute, the same may be referred by either party to the Ontario Municipal Board whose decision in the matter shall be final.

6. Nothing herein contained shall be deemed to prevent the operation within the limits of the City, as such limits may be from time to time, of motor omnibuses running between any point within the City and Towns and Villages whether incorporated or unincorporated, but no such omnibus shall convey passengers from one point within the City limits to another point therein, saving and excepting as is being done on the day of the date hereof.

7. The City will not oppose applications by the Company for privileges of extensions and operations of its system to be exercised beyond the limits of the City as such limits may be from time to time. In the event of the annexation to the City of any district into which the bus service extends, the provisions of this agreement and any amendments thereto and any by-law affecting same shall apply to the portion of the bus line in such district.

8. Nothing herein shall affect the right which any railway company may have to operate a steam railway within the City limits and to carry passengers or freight.

9. The franchise or right given by paragraph two of this agreement shall include the right to construct, maintain and operate such equipment and other things as are or may be usual or necessary in connection with a

transportation system; subject, however, to the provisions of any by-law of the City now or hereafter passed respecting streets, buildings or zoning or the location of buildings.

10. The Company agrees that it will not cease operations without giving the City at least six months' notice in writing of its intention so to do.

11. In the event of the Company giving the notice referred to in clause ten (10) hereof, or forfeiting its privilege and rights under this agreement or any by-law validating or confirming same or should the Company fail to carry out any of the provisions of said By-law or this agreement in addition to any other rights which it may have, the City shall have the right of assuming the ownership of the real and personal property of the Company within the City limits and shall be entitled to the benefits of all agreements made by the Company with other Companies, corporations or persons respecting the maintenance and operation of the bus service and the Company shall be entitled to payment of the value of such real and personal property. The value of such real and personal property shall be determined by arbitration upon the basis of the actual value thereof, having regard to the way it is being used and employed and the provisions of the Ontario Arbitration Act shall apply.

12. In the event of it being necessary for the carrying out and fulfilment and validation of this agreement that special legislation or the assent of electors be required, the parties hereto agree to join in the application for such legislation or assent and all legal and other expenses of and incidental to any election, Act of the Legislature or by-law in furtherance of this Agreement shall be borne exclusively by the said Company.

13. If any permission, approval, confirmation or other thing necessary in order to make effective and valid the franchise and rights granted to the Company by this agreement shall not be obtained, then this agreement shall not be binding upon the parties hereto and the parties shall be restored to their rights and legal positions as they existed immediately prior to the execution of this agreement without having any claim for damages arising out of the failure to obtain such permission, approval, confirmation or other thing, save and except any legal or other expenses as aforesaid which the Company hereby assumes.

14. The franchise herein granted to the Company shall be for a period of ten (10) years, subject to its being terminated by the Company by giving six months' notice of its intention to discontinue service as hereinbefore stated.

15. The Company hereby agrees to maintain at all times during the period of this franchise Public Liability and Property Damage Insurance coverage in an amount and of a nature satisfactory to the said City.

16. This Agreement shall be binding upon the parties hereto and shall not be assignable without the consent of the City.

17. This Agreement shall not take effect until a proper by-law has been passed and/or confirmed by the City and/or the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Corporate Seals under the hands of their proper officers duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED

THE MUNICIPAL CORPORATION OF THE
CITY OF WELLAND

In the presence of:

Per T. H. LEWIS,
Mayor.

(Seal)

Per J. D. WATT,
Clerk.

ERIE COACH LINES, LIMITED

(Seal)

Per J. L. GRIGHTMIRE,
President.

CHAPTER 40.

An Act respecting the City of Woodstock.

*Assented to March 22nd, 1945.**Legislature Dissolved March 24th, 1945.*

WHEREAS the Corporation of the City of Woodstock Preamble.
and Bluebird Coach Lines Limited have by their
petition represented that the by-law hereinafter mentioned
has received the assent of the electors of the City of Wood-
stock; and whereas the petitioners have prayed for special
legislation validating the said by-law and the agreement
entered into pursuant thereto securing to Bluebird Coach
Lines Limited an exclusive bus transportation franchise upon
the terms and conditions provided in the said by-law; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) By-law number 2523, passed by the council of the By-law
No. 2523
validated.
Corporation of the City of Woodstock on the 8th day of
January, 1945, set out in the schedule hereto, relating to the
granting of an exclusive transportation franchise for bus
service within the limits of the City of Woodstock to Bluebird
Coach Lines Limited is hereby ratified and confirmed and
declared to be legal, valid and binding upon the Corporation
of the City of Woodstock in the same manner and to the same
extent as if set out at length in this Act and the provisions
thereof were enacted in this Act; and the council of the Cor-
poration of the City of Woodstock is hereby authorized and
empowered to pass such other by-laws and enter into such
agreements including the agreement mentioned in the said
by-law number 2523 and do all such other acts, matters or
things as may be deemed necessary by the said council for
the full and proper carrying out and enforcement of the
provisions of the said by-law number 2523 and agreement and
do any and all acts, matters or things that may be necessary
to secure to Bluebird Coach Lines Limited an exclusive trans-
portation franchise for bus service within the limits of the
City of Woodstock as provided in the said by-law number 2523.

Dept. of
Highways'
powers not
affected.

Rev. Stat.,
c. 289.

Commence-
ment of Act.

Short title.

(2) Nothing in the said by-law number 2523 or any agreement entered into pursuant thereto shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

3. This Act may be cited as *The City of Woodstock Act, 1945*.

SCHEDULE

BY-LAW NUMBER 2523

Respecting the Bluebird Coach Lines, Limited.

WHEREAS Bluebird Coach Lines, Limited (hereinafter called the Company), was incorporated under the laws of the Province of Ontario by Letters Patent dated the 19th day of March, 1942, and has been furnishing public transportation to the people of the City of Woodstock by means of buses since the first of 1942.

AND WHEREAS the said Company has requested the Corporation of the City of Woodstock to grant to it an exclusive bus transportation franchise entitling it to use certain streets of the City of Woodstock for a period of ten years.

AND WHEREAS an agreement bearing date the 13th day of November, 1944, has been arranged to the mutual satisfaction of the said Corporation and the said Company, granting the Company an exclusive bus transportation franchise entitling it to use certain streets of the City of Woodstock for a period of ten years.

AND WHEREAS the said agreement sets out in detail the obligations, terms and conditions binding upon the Corporation and the Company, which agreement is attached hereto and set forth as Schedule "A" to this By-law, and made a part thereof.

NOW THEREFORE the Corporation of the City of Woodstock by the Council thereof enacts as follows:

1. That the Mayor and Clerk of the Corporation of the City of Woodstock be and they are hereby directed and authorized to sign the said agreement dated the 13th day of November, 1944, which agreement is hereto annexed and is hereby incorporated in and forms part of this By-law and the said Clerk is hereby directed and authorized to affix the Corporate Seal of the Corporation to the said agreement.

2. This By-law shall not come into force and take effect until it has been assented to by the Municipal Electors of the City of Woodstock, as provided by *The Municipal Act*, R.S.O. 1937, Chapter 266, and confirmed and validated by an Act of the Legislature of the Province of Ontario.

READ a first time November 13th, 1944, read a second time November 13th, 1944, read a third time and finally passed this 8th day of January, 1945.

THE CORPORATION OF THE
CITY OF WOODSTOCK

CHARLES BURSTON,
Mayor.

(Seal)

A. B. LEE,
Clerk.

THIS AGREEMENT made (in duplicate) this 13th day of November, A.D. 1944,

BETWEEN:

THE CORPORATION OF THE CITY OF WOODSTOCK,
hereinafter called the "Corporation"

OF THE FIRST PART;

—and—

BLUEBIRD COACH LINES LIMITED, hereinafter called the
"Bus Line"

OF THE SECOND PART.

WITNESSETH and for valuable consideration the parties hereto do hereby undertake, covenant and agree as follows:

DEFINITIONS—

- (a) "City" shall mean the area comprised within and including the present municipal boundaries of the City of Woodstock and all such additional areas as may hereafter from time to time be annexed thereto, from the time each additional area is annexed.
- (b) "Bus Line" shall refer to Bluebird Coach Lines Limited but except where the context implies otherwise, shall refer only to the operation of the said Company in the City and shall not be deemed to affect any operations in which it may be engaged in Interurban Service.
- (c) "Street" shall include a highway, lane, bridge, road forming part of a highway or public place.

1. Subject to the agreements, obligations, terms and conditions hereinafter contained, the Corporation hereby grants to the Bus Line an exclusive transportation franchise for bus service within the limits of the City of Woodstock, for the term of ten years from and after the date when a By-law, approving this agreement, takes effect.

2. In consideration of the rights, franchise and privileges herein granted by the Corporation to the Bus Line, the Bus Line hereby agrees to pay to the Corporation, a license fee to be fixed by the Corporation, not exceeding Ten (\$10.00) Dollars per year for each bus operated regularly in the Local Service. Provided, however, the Bus Line shall have the privilege of substituting extra or spare buses in case of accident, breakdowns or emergencies.

3. During the said term of ten years, or any extension thereof, the Bus Line shall provide adequate transportation service for passengers within the limits of the City of Woodstock, and equipment and personnel in accordance with the reasonable expectation of traffic requirements from time to time, and in accordance with the schedule or schedules filed by the Bus Line with the Clerk of the Corporation from time to time.

The initial schedule has been agreed upon and is on file with the Corporation, and forms part of this Agreement.

If, in the opinion of the Bus Line, any route or routes or any part thereof are not sufficiently productive of revenue to cover operating expenses, the Bus Line, upon receiving the written approval of the Municipal Council of the Corporation, shall have the privilege of re-routing its service, suspending or terminating such portion of its route for such time as it deems necessary. In the event of the Municipal Council of the Corporation neglecting or refusing to grant its approval within a period of thirty days after being so requested in writing, then the matter may, at the option of the Bus Line, be decided by the Municipal Board as hereinafter provided.

When requested by the Corporation, the Bus Line shall provide adequate service in areas hereinafter annexed to the City or in other areas within the City not receiving service, if it is established that the opening of such additional service is likely to be profitable to the Bus Line.

4. The Bus Line shall have the privilege, notwithstanding anything herein contained, of extending service to suburban areas at any time during the term of this Agreement, and of altering its schedules in such manner as to permit the giving of such suburban service.

5. The following fare schedule shall apply to the operation of the Bus Line:

Adult Fare:

7c. cash or 4 tickets for 25c.

Children under 51 inches in height:

4c. cash.

8 tickets for 25c.

Infant Child in arms and not occupying a seat:

Free.

Free transfers will be given from one bus to another upon one continuous no-stop-over trip within the City limits on the most direct route, where such transfers are necessary to enable passengers to reach their destination.

6. The Bus Line may from time to time make rules and regulations governing the conduct of passengers on its buses and premises, the payment of fares, use of fare tickets and transfers and other matters pertaining to the relationship between the Bus Line and its passengers or prospective passengers. A copy of Rules and Regulations has been agreed upon and is on file with the Corporation, and forms part of this agreement. Rules and Regulations made hereafter upon being filed with the Clerk of the Corporation shall form part of this agreement as if the same actually had been incorporated herein.

7. The Corporation doth hereby undertake, covenant and agree that it will maintain the streets, intersections, bridges, pavements and roadways in a reasonably safe, passable condition. If, owing to unusual weather conditions or other circumstances beyond the control of the Corporation, the routes designated for travel by the Bus Line or any of them, are, in the opinion of the Bus Line, unsafe or unpassable for its purposes, the Bus Line may thereupon interrupt the Bus Service upon the route or routes which are unsafe, or such part thereof as is unsafe, until the dangerous condition is remedied, or at its option the Bus Line may re-route its buses. Provided, however, that in such an event, the Bus Line, as soon as practical, shall notify the Mayor of the Corporation or such person or persons as are designated in writing by him, of such suspension or re-routing of service whereupon the Corporation, as soon as practical, shall remedy the dangerous condition.

Provided, however, if in the opinion of the Bus Line any portion or portions of the streets over which buses are operated is unsafe, or blocked by ice or snow, or in such condition that it is impractical to operate buses thereon, and the Corporation is unable or unwilling to immediately remedy the said condition, the Bus Line may at its option use or provide its own equipment, at its own expense, to the extent necessary to permit the free operation of its buses, in which case the Bus Line shall notify the Mayor of the Corporation or such person as he may in writing designate.

Subject to the present working arrangement with the Township of Blandford, the execution of all work of construction or maintenance of any part of the City streets, including the reasonable removal of snow and ice, shall be carried on at all times and in such manner so as to have the work performed without unnecessary interference and unnecessary interruption with public transportation over the streets, so far as the Corporation equipment will, in the opinion of the Corporation, permit.

The Corporation shall, on the written request of the Bus Line, trim; or cut the limbs and branches of trees growing on or near the streets of the routes over which buses are scheduled to travel, and such other places as may be deemed necessary, so that the buses be not scratched or otherwise damaged.

The Corporation agrees to take all necessary steps to avoid congestion of traffic and as far as possible to facilitate the free passage of buses upon the streets in order that schedules may be maintained.

The Corporation agrees to create and designate such restricted parking areas, one-way streets, and "no parking" areas as in its discretion are necessary, and enforce obedience thereto, and designate and enforce such other traffic regulations as traffic conditions may from time to time require, and for the purpose of bus stops whenever the same may be necessary. The present schedule of areas so affected has been agreed upon and is now on file with the Corporation, and forms part of this agreement.

8. Either of the parties hereto may make application at any time during the term of this agreement, or any extension thereof, for a ruling of the Municipal Board in regard to any matter arising out of this agreement, and the ruling of the Board shall be final.

9. In the event of material changes, downwards or upwards, taking place in the cost of the Bus Line of providing bus service as provided for by this agreement, adjustment of fares hereinbefore provided for may be made by agreement between the Corporation and the Bus Line, and such adjustment, if made by agreement as aforesaid, or by the Municipal Board, shall continue until changed by further agreement, or by Order of the said Board.

10. The Corporation agrees that at the next Municipal Election, in compliance with the laws in force at that time, it will place before the electors of the City of Woodstock a by-law to grant unto the Bus Line an exclusive ten-year franchise for the operation of bus service in accordance with this agreement.

11. The Bus Line agrees that it will maintain adequate bus service, schedules, and equipment, to the best of its ability, subject to the reasonable availability of buses, repairs, parts, gasoline, tires, premises and equipment, and labour, and subject further to unavoidable accident, circumstances beyond their control, strikes, lockouts, fire, flood, tempest, acts of God and the King's enemies.

12. The Bus Line shall comply with all Municipal, Provincial and Federal laws, rules or regulations affecting it and be responsible for all loss, damage or injury resulting from the negligence of its servants and agents, and nothing herein contained shall make the Corporation liable in any way to any person who suffers loss, damage or injury by reason of the negligence of the Bus Line, its workmen, servants or agents.

13. In the event of accident, disablement or breakdown of any bus operated by the Bus Line, the Bus Line shall make immediate arrangements for the transportation of passengers to the destination to which they were being carried.

14. If at any time the Bus Line wishes to terminate this franchise, it may do so on three months' written notice to the Corporation, and in such event, all rights and obligations hereunder shall cease.

15. In the event of the Bus Line wishing at any time to dispose of this franchise, it shall give the Corporation three months' notice and the Corporation, or its nominee, shall have the privilege of acquiring it on the same terms and conditions as offered to anyone else.

16. It is further agreed that the privileges and obligations created by this agreement shall enure to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Corporate Seals attested by the hands of their proper officers thereto duly authorized.

SIGNED, SEALED AND DELIVERED

In the presence of:

ALBERT C. WHALEY.

(Seal)

ALBERT C. WHALEY.

(Seal)

THE CORPORATION OF THE CITY OF
WOODSTOCK

CHARLES BURSTON,
Mayor.

A. B. LEE,
Clerk.

BLUEBIRD COACH LINES LIMITED

NORMAN C. SCHELL,
President.

F. F. PEARSE,
Secretary-Treasurer.

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(Second Session, Twenty-First Legislature, 9 George VI, 1945)

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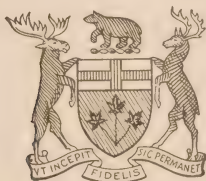
PROVINCE OF ONTARIO

PASSED IN THE SECOND SESSION HELD IN THE

Ninth Year of the Reign of His Majesty
KING GEORGE VI

Being the First Session of the Twenty-Second
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE SIXTEENTH DAY OF
JULY IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND FORTY-FIVE



ONTARIO

HIS HONOUR ALBERT MATTHEWS, LIEUTENANT-GOVERNOR

TORONTO

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1945

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(1945)
2nd Session
Cap.

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ONTARIO

9 GEORGE VI.

CHAPTER 1.

The Cheese and Hog Subsidy Act, 1945.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *1941, c. 11*
The Cheese and Hog Subsidy Act, 1941, The Cheese and Hog ^{continued}
Subsidy Act, 1942, The Cheese and Hog Subsidy Act, 1943, or ^{in force.}
The Cheese and Hog Subsidy Act, 1944, all the other provi- ^{1942, c. 6;}
sions of *The Cheese and Hog Subsidy Act, 1941,* shall continue ^{1943, c. 3;}
in force and have effect until the 31st day of March, 1946. ^{1944, c. 8.}

2. This Act shall come into force on the day upon which it ^{Commence-}
receives the Royal Assent and shall be deemed to have had ^{ment of Act.}
effect on and after the 1st day of April, 1945.

3. This Act may be cited as *The Cheese and Hog Subsidy* ^{Short title.}
Act, 1945.

CHAPTER 2.

An Act to amend The Companies Act.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of subsection 1 of section 300 of *The Companies Act* as amended by subsection 2 of section 3 of *The Statute Law Amendment Act, 1939*, is further amended by striking out the words "*the National Housing Act (Canada)*" in the amendment of 1939 and inserting in lieu thereof the words "*The National Housing Act, 1938 (Canada), or The National Housing Act, 1944 (Canada)*", so that the said clause shall now read as follows:

- (*g*) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of *The National Housing Act, 1938 (Canada), or The National Housing Act, 1944 (Canada), or any amendments thereto.*

2. *The Companies Act* is amended by adding thereto the following section:

- 300*a*. An insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent of Insurance in the purchase of land in Ontario or elsewhere in Canada

1944-45, c. 46
(Can.).

where the insurer is carrying on business and the construction thereon of low cost or moderate cost rental housing projects pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Companies Amendment Act, 1945*.

CHAPTER 3.

An Act to amend The Insurance Act.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 76 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 256, s. 76, amended.

(5) An insurer licensed for the transaction of life insurance may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business and the construction thereon of low cost or moderate cost rental housing projects pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon. Investment of funds in housing projects. 1944-45, c. 46 (Can.).

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Insurance Amendment Act, 1945*. Short title.

CHAPTER 4.

An Act to amend The Loan and Trust Corporations Act.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 257, s. 29,
amended.

- (6) A registered loan corporation or a registered loaning land corporation may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Registrar in the purchase of land in Ontario or elsewhere in Canada where the corporation is authorized to extend its business under the provisions of section 24 and in the construction thereon of low cost or moderate cost rental housing projects pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon. Investment
of funds in
housing
project.
1944-45,
c. 46 (Can.).

2. Section 30 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 257, s. 30,
amended.

- (3) A registered trust company may invest its funds to an aggregate amount not exceeding five per centum thereof, and notwithstanding the provisions of subsection 1 of section 17 may invest moneys received for guaranteed investment or as deposits to an aggregate amount not exceeding five per centum thereof in the purchase of land in Ontario or elsewhere in Canada where the company is authorized to extend its business under the provisions of section 24 and in the construction thereon of low cost or moderate cost rental housing projects pursuant to the Investment
of funds in
housing
project.

1944-45,
c. 46 (Can.).

provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

Rev. Stat.,
c. 257, s. 50,
subs. 1,
amended.

3. Subsection 1 of section 50 of *The Loan and Trust Corporations Act* is amended by striking out the words "nor more than ten years" in the third and fourth lines, so that the said subsection shall now read as follows:

Denomina-
tion and
term of
debentures.

- (1) Debentures shall be for such sums, not being less than \$100, and in such currency as the directors deem advisable, and shall be payable not less than one year from the issue thereof, at such place as may be therein mentioned.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1945*.

CHAPTER 5.

An Act to amend The Mining Tax Act.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 28, s. 3,
re-enacted.

3. The taxes imposed by this Act shall be deemed to accrue on the 1st day of January of the year in which they are payable and shall be payable to the Minister,—
Dates of
accrual and
payment.

(a) not later than the 31st day of March in each year in respect of the tax payable under section 4 as estimated on the returns required to be submitted by this Act; and

(b) not later than the 1st day of October in each year in respect of the tax payable under sections 14 and 26.

2.—(1) Subsection 1 of section 7 of *The Mining Tax Act* is amended by striking out the figure and letters "1st" in the fourth line and inserting in lieu thereof the figures and letters "31st", so that the first six lines of the said subsection shall now read as follows: Rev. Stat.,
c. 28, s. 7,
subs. 1,
amended.

(1) Every person liable to pay the tax imposed by section 4 shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the 31st day of March in every year, deliver to the Department of Mines a detailed statement in which shall be set forth,—
Statement
to be
furnished.

.

(2) Subsection 3 of the said section 7 is repealed.

Rev. Stat.,
c. 28, s. 7,
subs. 3,
repealed.

Rev. Stat.,
c. 28, s. 11,
subs. 6,
amended.

3. Subsection 6 of section 11 of *The Mining Tax Act* is amended by striking out all the words after the word "Act" in the ninth line, so that the said subsection shall now read as follows:

Costs.

- (6) In any such proceedings or investigation, or on any appeal, the Mining Court or the Ontario Municipal Board may order the appellant, or the person causing the investigation by reason of false or incorrect statements, or failure to keep books and accounts or to otherwise conform to the provisions of this Act, to pay the costs of such appeal, proceeding or investigation, and may direct that the same be taxed by a taxing officer of the Supreme Court and added to the tax for which such person is liable under this Act.

Rev. Stat.,
c. 28, s. 12,
re-enacted.

4. Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Notice of
assessment.

- 12.—(1) It shall be the duty of the mine assessor, or the person charged with the collection of any tax imposed by section 4, after examining the returns submitted, to send a notice of assessment to the owner, lessee, tenant, holder, occupier, manager or operator of the mine verifying or altering the amount of tax as estimated in the returns and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment, together with penalties as in this Act provided.

Remission.

- (2) If the mine assessor, or the person charged with the collection of any tax imposed by section 4, finds that the returns understate the amount of tax which should be payable, but is satisfied that such understatement was not made with intent to decrease the amount of tax to be paid, but was made in good faith and with no improper motive, he may, with the approval of the Minister, remit all or such part of the penalties as may in his discretion seem just.

Failure to
pay addi-
tional tax.

- (3) If the owner, lessee, tenant, holder, occupier, manager or operator of the mine fails to pay such additional tax and penalties, if any, within one month from the date of the mailing of the notice of assessment, and no appeal is taken as provided in section 11, he shall, notwithstanding any relief granted under subsection 2, be liable for and shall pay in addition to the amount of tax due full penalties as in this Act provided.

- (4) The Treasurer of Ontario, upon the recommendation of the Minister, following the issue of the notice of assessment, may refund any overpayment of tax or penalties made by the taxpayer. Refunds.

5.—(1) Subsection 1 of section 20 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 28, s. 20,
subs. 1,
re-enacted.

- (1) The Deputy Minister of Mines shall cause to be prepared annually a list of all mines, mining locations, mining claims, mining rights and other lands in respect of which any tax imposed under this Act is two years or more in arrear and each year shall cause such list to be published in four consecutive issues of the *Ontario Gazette* between the 1st day of January and the 31st day of March and in four issues of one newspaper, if any, published in the district or county in which the property is situate, stating that unless the amount due with penalties, costs and expenses is paid on or before a day specified therein, which shall be not less than six months nor more than one year after the first of such publications, such mines, mining locations, mining claims, mining rights and other lands shall upon the day following the day so specified become forfeit to and reverted in the Crown. Publication
of list of
arrears and
notice of
forfeiture.

(2) Subsection 2 of the said section 20 is amended by striking out the words "parcel of property" in the last line and inserting in lieu thereof the words "mining location, mining claim or parcel of mining rights", so that the said subsection shall now read as follows: Rev. Stat.,
c. 28, s. 20,
subs. 2,
amended.

- (2) If the taxes due, with costs and expenses, or any part thereof, remain unpaid until within four months of the day so fixed, the Deputy Minister shall, not later than two months prior to such day, mail or cause to be mailed by registered post to the person appearing from search or inquiry at the registry or land titles office to be the owner or last known owner of each property so in default, at what appears to the Deputy Minister to be the address or last known address of such person so far as he can reasonably ascertain it, notice specifying the total amount of taxes, costs, expenses and penalties due or payable under this Act in respect of such property and stating that unless the same is paid on or before the day so fixed the property will be forfeited; and to the amount otherwise payable under this Act there shall in every such case be added and shall be paid as costs of such notice the sum of \$5 for each mining location, mining claim or parcel of mining rights. Notice to
persons in
default.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and from the 1st day of January, 1945.

Short title.

7. This Act may be cited as *The Mining Tax Amendment Act, 1945*.

CHAPTER 6.

The Mortgagors' and Purchasers' Relief Act, 1945.

Assented to July 20th, 1945.

Session Prorogued July 20th, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, *The Mortgagors' and Purchasers' Relief Act, 1938*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1939*, *The Mortgagors' and Purchasers' Relief Act, 1940*, *The Mortgagors' and Purchasers' Relief Act, 1941*, *The Mortgagors' and Purchasers' Relief Act, 1942*, *The Mortgagors' and Purchasers' Relief Act, 1943*, or *The Mortgagors' and Purchasers' Relief Act, 1944*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1946.
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of July, 1945.
3. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1945*.

1933, c. 35.
continued
in force.
1934, c. 33;
1935, c. 41;
1936, c. 38;
1937, c. 45;
1938, c. 21;
1939, c. 29;
1940, c. 17;
1941, c. 34;
1942, c. 28;
1943, c. 15;
1944, c. 38.

Commence-
ment of Act.

Short title.

CHAPTER 7.

An Act for Raising Money on the Credit of the
Consolidated Revenue Fund.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized Loan of \$20,000,000 authorized.
to raise from time to time by way of loan such sum or sums
of money as may be deemed expedient for any or all of the
following purposes, that is to say: For the public service,
for works carried on by commissioners on behalf of Ontario,
for the covering of any debt of Ontario on open account, for
paying any floating indebtedness of Ontario, and for the
carrying on of the public works authorized by the Legislature;
Provided that the principal amount of any securities issued
and the amount of any temporary loans raised under the
authority of this Act, including any securities issued for the
retirement of the said securities or temporary loans, at any
time outstanding, shall not exceed in the whole Twenty
Million Dollars (\$20,000,000).

2. The aforesaid sum of money may be borrowed for any Terms to be fixed by Lieutenant-Governor in Council.
term or terms not exceeding forty years, at such rate as may
be fixed by the Lieutenant-Governor in Council and shall be
raised upon the credit of the Consolidated Revenue Fund
of Ontario, and shall be chargeable thereupon.

3. The Lieutenant-Governor in Council may provide for a Sinking fund.
special sinking fund with respect to the issue herein authorized,
and such sinking fund may be at a greater rate than the
one-half of one per centum per annum specified in subsection 3
of section 3 of *The Provincial Loans Act*.

Rev. Stat.,
c. 22.

4. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

5. This Act may be cited as *The Ontario Loan Act, 1945*. Short title.

CHAPTER 8.

The School Law Amendment Act, 1945.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Adolescent School Attendance Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 368,
amended.
20. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations providing for the issuing of home permits and employment certificates.

Home
permits;
employment
certificates.
- 2.—(1) Subsection 6a of section 3 of *The Continuation Schools Act* as enacted by subsection 1 of section 3 of *The School Law Amendment Act, 1939*, and amended by subsection 1 of section 1 of *The School Law Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 6a
(1939,
c. 44, s. 3,
subs. 1,
repealed.
- (2) Subsection 6b of the said section 3 as enacted by subsection 2 of section 1 of *The School Law Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 6b
(1940, c. 24,
s. 1, subs. 2),
repealed.
- (3) Subsection 7 of the said section 3 is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 7,
repealed.
3. Subsection 3 of section 8 of *The Continuation Schools Act* as re-enacted by section 3 of *The School Law Amendment Act, 1941*, and amended by section 3 of *The School Law Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 359, s. 8,
subs. 3
(1941,
c. 52, s. 3),
repealed.
4. Section 4 of *The Department of Education Act* as amended by section 5 of *The School Law Amendment Act, 1943*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 356, s. 4,
re-enacted.

- 4.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations with respect to schools or classes which are established under the provisions of *The Auxiliary Classes Act*, *The Continuation Schools Act*, *The Department of Education Act*, *The High Schools Act*,

Regulations.

Rev. Stat.,
cc. 358, 359,
356, 360,
357, 362,
369, 365.

The Public Schools Act, The Separate Schools Act, The Vocational Education Act or The Schools for the Deaf and Blind Act and all other schools supported in whole or in part by public money,—

- (a) for the establishment, administration and government thereof and the courses of study and examinations therein;
- (b) for the establishment and regulation of cadet corps, gardens and libraries therein;
- (c) prescribing the qualifications and governing the appointment of teachers, inspectors and other officials;
- (d) prescribing the accommodation and equipment of school buildings and the arrangement of school premises;
- (e) prescribing the form of contract which shall be used for every contract entered into between a board and a teacher for the services of the teacher;
- (f) prescribing the terms and conditions which shall be deemed to be part of every contract entered into between a board and a teacher for the services of the teacher whether or not such terms and conditions are actually set out in the contract;
- (g) providing for and governing the exchange of teachers between Ontario and other parts of Canada and the British Commonwealth of Nations;
- (h) authorizing text-books and books of reference for the use of pupils, teachers and teachers in training;
- (i) requiring boards to purchase books for the use of pupils in schools under the charge of such boards;
- (j) prescribing fees to be paid by candidates at examinations;
- (k) prescribing fees to be paid to presiding officers and examiners in connection with departmental examinations and by whom and in

what manner such fees and other expenses in connection with such examinations shall be borne and paid;

- (l) for conducting examinations and settling the results thereof;
 - (m) for granting diplomas and certificates of standing;
 - (n) for establishing scholarships and prescribing the rules which shall govern the awarding thereof and the terms and conditions to which such scholarships shall be subject;
 - (o) respecting the use of schools for purposes of observation and practice teaching by teachers in training;
 - (p) governing the granting of temporary, interim, special, permanent and other certificates of qualification and the suspension and cancellation thereof;
 - (q) recognizing qualifications and experience for the purpose of qualifying persons to teach;
 - (r) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health; and
 - (s) providing for the affiliation of collegiate institutes, high schools, public schools and separate schools with universities, normal schools and model schools.
- (2) Subject to the approval of the Lieutenant-Governor ^{Idem.} in Council, the Minister may make regulations,—
- (a) providing for a programme of adult education;
 - (b) providing for programmes of training in physical fitness and recreation;
 - (c) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for educational purposes in-

cluding sums granted for programmes of adult education and of training in physical fitness and recreation, public and travelling libraries and the maintenance of historical, literary and scientific institutions; and

- (d) prescribing the conditions governing the payment of legislative grants.

Rev. Stat.,
c. 356, s. 5,
cl. f,
amended.

5.—(1) Clause *f* of section 5 of *The Department of Education Act* is amended by striking out the words "fifth classes" in the seventh line and inserting in lieu thereof the words "ninth and tenth grades", so that the said clause shall now read as follows:

Apportion-
ment of
grant made
for certain
purposes.

- (f) subject to the regulations, to apportion out of any money appropriated for such purposes all sums payable under any statute or regulation towards the maintenance of faculties of education in any of the universities, the normal, model or other schools or institutes for the training of teachers, continuation schools and ninth and tenth grades, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, supervised and outdoor playgrounds, night schools, public libraries, travelling libraries, library schools including the expenses of students in attendance thereat, art schools, school libraries, art departments of schools, cadet corps, and for free text-books, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes.

Rev. Stat.,
c. 356, s. 5,
amended.

(2) The said section 5 as amended by section 10 of *The Statute Law Amendment Act, 1942*, is further amended by adding thereto the following clause:

Courses of
study, etc.

- (t) subject to the regulations, to prescribe courses of study, subjects, time allotments for subjects, text-books and reference books for schools or classes established under *The Auxiliary Classes Act*, *The Continuation Schools Act*, *The Department of Education Act*, *The High Schools Act*, *The Public Schools Act*, *The Separate Schools Act*, *The Vocational Education Act* or *The Schools for the Deaf and Blind Act* and all other schools supported in whole or in part by public money.

Rev. Stat.,
cc. 358: 359;
356: 360;
357: 362;
369: 365.

6. Section 8a of *The Department of Education Act*, as enacted by section 5 of *The School Law Amendment Act, 1941*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 356, s. 8a
(1941,
c. 52, s. 5),
re-enacted.

8a.—(1) The Lieutenant-Governor in Council may order the closing of a school or any grade thereof for a specified period.

Closing of
school or
grade.

(2) Where the Lieutenant-Governor in Council orders the closing of a school or any grade thereof for a specified period, such school or grade shall, for the purpose of calculating legislative grants and the cost of education of county and non-resident pupils, be deemed to have been open during such period with a perfect aggregate daily attendance.

Calculation
of grants.

7. Section 12 of *The Department of Education Act* is repealed.

Rev. Stat.,
c. 356, s. 12,
repealed.

8. Subsection 1 of section 1 of *The High Schools Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 360, s. 1,
subs. 1,
amended.

(jj) "Perfect aggregate attendance" of pupils for a calendar year shall be calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of such pupils registered at the school during such calendar year and deducting therefrom the number of pupil-days' non-attendance caused by,—

"Perfect
aggregate
attendance".

- (i) quarantines;
- (ii) observance of holy days;
- (iii) deaths;
- (iv) late registrations owing to transfer or age of pupils;
- (v) termination of registrations owing to transfer or age of pupils;
- (vi) expulsions; and
- (vii) exclusions.

9. Subsection 1 of section 8 of *The High Schools Act* is repealed.

Rev. Stat.,
c. 360, s. 8,
subs. 1,
repealed.

10. Subsection 1 of section 26 of *The High Schools Act* as amended by section 9 of *The School Law Amendment Act, 1939*, is further amended by adding at the commencement

Rev. Stat.,
c. 360, s. 26,
subs. 1,
unamended.

thereof the words and figures, "Subject to the provisions of section 47", so that the said subsection shall now read as follows:

Providing
for scholars'
attendance
at other
schools.

- (1) Subject to the provisions of section 47, with the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute, continuation school or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

Rev. Stat.,
c. 360, s. 36,
subs. 1,
cls. *d*, *e*,
re-enacted.

11. Clauses *d* and *e* of subsection 1 of section 36 of *The High Schools Act* are repealed and the following substituted therefor:

- (*d*) Fourthly, the perfect aggregate attendance of all pupils at the school for the preceding calendar year shall be divided into the net sum ascertained as provided in clause *c* and the resultant amount shall be the net cost per pupil-day of all such pupils;
- (*e*) Fifthly, the perfect aggregate attendance of all county pupils from the county at the school during the same calendar year shall be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of such county pupils for which the council of the county shall be liable and pay as provided in section 35.

Rev. Stat.,
c. 360, s. 38,
subs. 1, cl. *b*,
amended.

12. Clause *b* of subsection 1 of section 38 of *The High Schools Act* is amended by striking out the word "days" in the tenth line and inserting in lieu thereof the words "perfect aggregate" and by striking out the words "total days" in the thirteenth line and inserting in lieu thereof the words "perfect aggregate", so that the said clause shall now read as follows:

- (*b*) The remaining fifty per centum thereof by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county and not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, and in which municipalities or portions of municipalities the county pupils or their parents or guardians reside, in the

proportion that the perfect aggregate attendance during the preceding calendar year of the county pupils who reside or whose parents or guardians reside in each of such municipalities or portions of municipalities, bears to the perfect aggregate attendance during such year of all county pupils the cost of whose education is to be paid by the council of the county.

13. Section 39 of *The High Schools Act* as re-enacted by Rev. Stat., c. 360, s. 39 (1941), and amended by section 8 of *The School Law Amendment Act*, 1943, is repealed.

14.—(1) Subsection 1a of section 47 of *The High Schools Act* as enacted by subsection 1 of section 24 of *The School Law Amendment Act*, 1938, and amended by section 11 of *The School Law Amendment Act*, 1941, is further amended by adding thereto the words "except that legislative grants shall not be deducted as provided in clause c of subsection 1 thereof", so that the said subsection shall now read as follows:

(1a) If a pupil who resides or whose parent or guardian resides in a grade A or grade B continuation school section or a high school district attends any high school situated in a high school district within the county, or a high school in a city or separated town or adjacent county which is open to county pupils from the county in which he resides because such high school,—

- (i) is reasonably accessible to such pupil while the grade A or grade B continuation school or high school in the section or district in which he resides is not thus accessible; or
- (ii) provides for such pupil a course of study which is not offered in the school in his own section or district,

the board of the continuation school section or high school district in which such pupil or his parent or guardian resides shall pay fees to the board of the high school district where such pupil attends school and the amount of such fees shall be calculated in accordance with the provisions of section 36, except that legislative grants shall not be deducted as provided in clause c of subsection 1 thereof.

(2) The said section 47 is further amended by adding thereto the following subsection:

Calculation
of grants.

- (1*b*) The fees paid in any year under subsection 1*a* for the preceding calendar year shall be included in the cost of operating the school conducted by the board paying such fees and shall be deducted by the board providing the instruction from the cost of operating the school attended by such pupils before reporting such cost as a basis for the payment of legislative grants.

Rev. Stat.,
c. 360, s. 53,
subs. 3,
amended.

- 15.** Subsection 3 of section 53 of *The High Schools Act* is amended by striking out the word "members" in the second line and inserting in lieu thereof the word "examiners", so that the said subsection shall now read as follows:

Additional
examiners.

- (3) Subject to the regulations, every board of examiners shall in each year appoint such additional examiners as may be required.

Rev. Stat.,
c. 360, s. 60,
re-enacted.

- 16.** Section 60 of *The High Schools Act* is repealed and the following substituted therefor:

Text-books.

- 60.—(1) A teacher shall not use or permit to be used as a text-book in a high school any book which is not authorized by the regulations or prescribed by the Minister, and the Minister, upon the report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized or unprescribed book is so used.

Change of
text-books.

- (2) Subject to the written approval of the board, any authorized or prescribed text-book which is in actual use in a high school may be changed by the teacher for any other authorized or prescribed text-book on the same subject.

Rev. Stat.,
c. 360, s. 66,
re-enacted.

- 17.** Section 66 of *The High Schools Act* is repealed and the following substituted therefor:

Substitution
of unauthor-
ized text-
books.

66. Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion.

Rev. Stat.,
c. 357, s. 21,
subs. 19,
amended.

- 18.** Subsection 19 of section 21 of *The Public Schools Act* is amended by striking out the words and figures "and of the

county grant provided for in section 111" in the second and third lines, so that the said subsection shall now read as follows:

- (19) For the purposes of the legislative grant for public and separate school purposes, every consolidated school shall be deemed to be a rural school.

When consolidated school to be deemed rural school.

19. Clause *d* of section 103 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat., c. 357, s. 103, cl. *d*, re-enacted.

- (*d*) to classify the pupils according to the courses of study prescribed, to conduct the school in accordance with a time-table which shall be accessible to pupils and visitors, to prevent the use by pupils of text-books which are not authorized by the regulations or prescribed by the Minister, to attend regularly the teachers' institutes in the inspectorate, to notify the board and the inspector of his absence from school and the reason therefor, and, subject to revision by the inspector, to make at the end of each school term such promotions from one grade to another as he may deem expedient.

Classification of scholars and conduct of classes.

20. Section 105 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat., c. 357, s. 105, re-enacted.

105. Subject to the written approval of the board, any text-book authorized by the regulations or prescribed by the Minister which is in actual use in a public school may be changed by the teacher for any other authorized or prescribed text-book on the same subject.

Change of text-book.

21. Section 111 of *The Public Schools Act* as amended by section 32 of *The School Law Amendment Act, 1938*, and section 17 of *The School Law Amendment Act, 1941*, is repealed.

Rev. Stat., c. 357, s. 111, repealed.

22. Subsection 3 of section 112 of *The Public Schools Act* as amended by section 18 of *The School Law Amendment Act, 1941*, section 13 of *The School Law Amendment Act, 1943*, and section 15 of *The School Law Amendment Act, 1944*, is further amended by striking out the symbol and figures "\$1,000" in the fifth line and inserting in lieu thereof the symbol and figures "\$1,200", so that the said subsection shall now read as follows:

Rev. Stat., c. 357, s. 112, subs. 3, amended.

- (3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$1,200.

Application of township grant.

Rev. Stat.,
c. 357, s. 121,
subs. 3,
repealed.

23. Subsection 3 of section 121 of *The Public Schools Act* is repealed.

Rev. Stat.,
c. 357, s. 133,
re-enacted.

24. Section 133 of *The Public Schools Act* is repealed and the following substituted therefor:

Use of
unauthorized
text-books.

133. Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book, or any less sum in its discretion.

Rev. Stat.,
c. 367, s. 20,
re-enacted.

25. Section 20 of *The School Attendance Act* is repealed and the following substituted therefor:

Regulations.

20. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the powers and duties of every body charged under this Act with the appointment of a school attendance officer;
- (b) prescribing the duties and qualifications of the provincial school attendance officer and of school attendance officers, inspectors and other officers acting under this Act;
- (c) respecting the notices to be given and the returns to be made under this Act and the time and manner of giving or making such notices and returns;
- (d) prescribing the forms to be used under this Act; and
- (e) generally for the better carrying out of the provisions of this Act.

Rev. Stat.,
c. 362, s. 49,
re-enacted.

26. Section 49 of *The Separate Schools Act* is repealed and the following substituted therefor:

Change of
text-books.

49. Subject to the written approval of the board, any text-book authorized by the regulations or prescribed by the Minister of Education which is in actual use in a separate school may be changed by the teacher for any other authorized or prescribed text-book on the same subject.

27. Section 74 of *The Separate Schools Act* is repealed.

Rev. Stat.,
c. 362, s. 74,
repealed.

28. Section 94 of *The Separate Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 362, s. 94,
re-enacted.

94. Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister of Education to be used as a text-book by the pupils of his school, the Minister of Education, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion.

Use of
unauthorized
books.

29.—(1) Subsection 1 of section 4 of *The Teachers' and Inspectors' Superannuation Act* as amended by section 1 of *The Teachers' and Inspectors' Superannuation Amendment Act, 1940*, is further amended by striking out the words "three and one-half" in the third line and inserting in lieu thereof the word "four", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 366, s. 4,
subs. 1,
amended.

(1) Every teacher and inspector employed in Ontario shall contribute to the fund four per centum of his salary in such manner as may be prescribed by the regulations.

Contribu-
tions by
teachers and
inspectors.

(2) Subsection 3 of the said section 4 is amended by striking out the symbol and figures "\$550" where they occur the first time in the second line and inserting in lieu thereof the symbol and figures "\$800", and by striking out the symbol, figures and words "\$550 for the purposes of this Act" in the second and third lines and inserting in lieu thereof the symbol, figures and words "\$800 for the purpose of calculating a teacher's annual contribution", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 366, s. 4,
subs. 3,
amended.

(3) If the salary of any teacher or inspector for any year is less than \$800 it shall be taken as being \$800 for the purpose of calculating a teacher's annual contribution.

Salary to
be estimated
at not less
than \$800.

30.—(1) Subsection 1 of section 6 of *The Teachers' and Inspectors' Superannuation Act* as amended by subsections 1 and 2 of section 2 of *The Teachers' and Inspectors' Superannuation Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 366, s. 6,
subs. 1,
re-enacted.

(1) Every teacher and every inspector who has been employed for at least thirty-six years and who, if a male, is at least sixty-five years of age or, if a female, is at least sixty-two years of age who applies to the

Annual
allowance
on retire-
ment.

Minister for the annual allowance provided for by this Act and who has retired from the profession and ceased to be so employed and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the fund equal to one-sixtieth of his average salary for the full number of years during which he has made contributions to the fund, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the fund, but,—

- (a) the years during which he has contributed to the fund shall count as full years of employment;
- (b) the years of employment completed prior to the 1st day of April, 1917, shall count each as a half year of employment;
- (c) contributions to any municipal or school board fund made prior to the 1st day of April, 1917, and paid over to the fund shall be considered as contributions to the fund;
- (d) if the average salary for the full number of years during which he has made contributions to the fund exceeds \$800, the minimum annual allowance shall be \$500, but if less than \$800, the minimum annual allowance shall be sixty per centum of the average salary;
- (e) if the amount of such annual payment as above computed is more than \$1,500, the amount of the annual payment shall be \$1,500, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than \$1,500 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity;
- (f) a teacher or inspector who has contributed to the fund mentioned in sections 125 to 127 of *The Public Schools Act*, and who has become subject to this Act under section 15 shall be entitled to receive in addition to any allowance under this section, an annual allowance equal to an annuity which might have been purchased by him at Dominion Government

rates with the sums so contributed, but the total amount payable to him shall not exceed the maximum provided for in clause *e*;

- (g) should a teacher or an inspector after retirement again become employed the allowance shall cease during the term of such employment, but may be resumed upon his again ceasing to be employed, and the period during which he has been so employed shall be allowed for in fixing the amount of his annual allowance on retirement.

(2) Subsection 2 of the said section 6 as amended by subsection 3 of section 2 of *The Teachers' and Inspectors' Superannuation Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 366, s. 6,
subs. 2,
re-enacted.

- (2) An annual allowance shall be paid to a teacher or inspector who retires after thirty years' service before he is entitled to a pension under subsection 1, 4 or 5 and shall be computed in the same manner as a pension under subsection 1 subject to such reductions as may be prescribed by the regulations having regard to the length of service and age of the teacher or inspector.

Retirement
after thirty
years'
service.

- (2a) In the case of a teacher or inspector who has been employed for at least forty years, the annual allowance payable under subsection 1 shall not be subject to reduction by reason of the fact that the teacher or inspector, if a male, is not yet sixty-five years of age, or if a female, is not yet sixty-two years of age.

Retirement
after forty
years'
service.

31. Subsections 1 and 2 of section 7 of *The Teachers' and Inspectors' Superannuation Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 366, s. 7,
subs. 1,
re-enacted;
subs. 2
repealed.

- (1) Subject to the regulations, a teacher or inspector may in writing signed by him and deposited with the Commission at least two years prior to his retirement from the profession direct that the annual allowance to which he would be entitled shall be converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate,—

Annuities..

- (a) in the case of a married teacher or inspector to his surviving spouse; and
- (b) in the case of any other teacher or inspector, to any dependent named in any such direction.

Rev. Stat.,
c. 366, s. 17,
amended.

32.—(1) Section 17 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following clause:

Reduction of
allowances.

(ff) governing the reductions to annual allowances under subsection 2 of section 6 having regard to length of service and age.

Rev. Stat.,
c. 366, s. 17,
cls. *gg, ggg*
(1944,
c. 56, s. 21),
re-enacted.

(2) Clauses *gg* and *ggg* of the said section 17, as enacted by section 21 of *The School Law Amendment Act, 1944*, are repealed and the following substituted therefor:

Services
in another
province.

(*gg*) prescribing the conditions under which credit may be given under the Act for services performed as a teacher or inspector in another province of Canada or in any other part of the British Commonwealth of Nations where such a teacher or inspector is subsequently employed in Ontario and prescribing the amount of such credit;

Transfer
of contri-
butions
to other
province.

(*ggg*) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a former Ontario teacher or inspector who has become a teacher or inspector in such other province or part of the British Commonwealth of Nations.

Rev. Stat.,
c. 369, s. 1,
cl. *b*,
re-enacted;
cl. *bb*
(1938,
c. 35, s. 37),
repealed.

33.—(1) Clause *b* of section 1 of *The Vocational Education Act* and clause *bb* of the said section 1 as enacted by section 37 of *The School Law Amendment Act, 1938*, are repealed and the following substituted therefor:

"County
pupils".

(b) "County pupils" shall mean pupils,—

(i) who reside with their parents or guardians; or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district in which a vocational school is established and maintained.

Rev. Stat.,
c. 369, s. 1,
amended.

(2) The said section 1 is further amended by adding thereto the following clause:

(cc) "Perfect aggregate attendance" of pupils for a calendar year shall be calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of such pupils registered at the school during such calendar year and deducting therefrom the number of pupil-days' non-attendance caused by,—

- (i) quarantines;
- (ii) observance of holy days;
- (iii) deaths;
- (iv) late registration owing to transfer or age of pupils;
- (v) termination of registrations owing to transfer or age of pupils;
- (vi) expulsions; and
- (vii) exclusions.

34. Clauses *a* and *b* of subsection 3 of section 13 of *The Vocational Education Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 369, s. 13,
subs. 3,
cls. a, b,
re-enacted.

- (a) fifty per centum of the said cost by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities comprising that part of the county which is not within the limits of a high school or grade A or grade B continuation school district in which a vocational school is established and maintained; and
- (b) the remaining fifty per centum thereof by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities which are not within a high school or grade A or grade B continuation school district in which a vocational school is established or maintained and in which the county pupils reside or are assessed or the parents or guardians of whom are assessed, as the case may be, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

Rev. Stat.,
c. 369, s. 20,
repealed.

35. Section 20 of *The Vocational Education Act* is repealed.

Commence-
ment of Act.

36.—(1) This Act shall come into force on the day upon which it receives the Royal Assent.

(2) Sections 2, 3, 6, 8, 10, 11, 12, 13, 14, 18, 21, 23, 27, 33 and 34 shall have effect on and after the 1st day of January, 1945.

(3) Section 29 shall have effect on and after the 31st day of August, 1945.

(4) Sections 30 and 32 shall have effect on and after the 30th day of June, 1945.

Short title.

37. This Act may be cited as *The School Law Amendment Act, 1945*.

CHAPTER 9.

An Act to amend The Statutes Act.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Statutes Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 2, s. 4,
amended.

(3) Where a session of the Legislature is ended by the dissolution of the Assembly, the date of the dissolution shall for the purposes of this section be deemed to be the date of the prorogation and in every such case the Clerk of the Assembly shall endorse on every Act passed at the session the day, month and year of the dissolution in lieu of the day, month and year of the prorogation. Where
Assembly
dissolved.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 15th day of February, 1945. Commence-
ment of Act.

3. This Act may be cited as *The Statutes Amendment Act, 1945.* Short title.

CHAPTER 10.

The Sugar Beet Subsidy Act, 1945.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Sugar Beet Subsidy Act, 1943*, or section 2 of *The Sugar Beet Subsidy Act, 1944*, all the other provisions of *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of *The Sugar Beet Subsidy Act, 1944*, shall continue in force and have effect until the 31st day of March, 1946.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of April, 1945.

3. This Act may be cited as *The Sugar Beet Subsidy Act, 1945*.

CHAPTER 11.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1945, and for the Public Service of the financial year ending the 31st day of March, 1946.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble.
Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1945, and for the financial year ending the 31st day of March, 1946, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) From and out of the Consolidated Revenue Fund \$8,808,-
000.00
of this Province, there may be paid and applied a sum not granted for
fiscal year
1944-45.
exceeding in the whole eight million, eight hundred and eight thousand dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1944, to the 31st day of March, 1945, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

(2) From and out of the Consolidated Revenue Fund of \$81,317,-
476.30
this Province, there may be paid and applied a sum not granted for
fiscal year
1945-46.
exceeding in the whole eighty-one million, three hundred and seventeen thousand, four hundred and seventy-six dollars and thirty cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided

for, from the 1st day of April, 1945, to the 31st day of March, 1946, as set forth in schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based: Provided the amount hereby authorized to be paid and applied in respect of each item, set forth in said schedule B, shall be deemed to include and not to be in addition to, the amount authorized for each such item by Special Warrants issued by the Lieutenant-Governor under Orders-in-Council dated the 12th day of April, the 12th day of May and the 1st day of June, 1945, amounting in the whole to the sum of eighteen million, one hundred and six thousand, three hundred and twenty dollars and ninety-nine cents.

Accounts to
be laid
before
Assembly.

2.—(1) Accounts in detail of all moneys received on account of this Province during the financial year 1944-45 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1945.

Idem.

(2) Accounts in detail of all moneys received on account of this Province during the financial year 1945-46 and of all expenditures under schedule B of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for
1944-45
unexpended
to lapse.

3.—(1) Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1945, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat.,
c. 24.

Appropriations for
1945-46
unexpended
to lapse.

(2) Any part of the money under schedule B appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1946, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat.,
c. 24.

Accounting
for expenditure.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

6. This Act may be cited as *The Supply Act, 1945*.

Short title.

SCHEDULE "A"

1944-45

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-five to defray expenses of:

Education Department.....\$8,808,000.00

SCHEDULE "B"

1945-46

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-six to defray expenses of:

Agriculture Department.....	\$2,858,182.75
Attorney-General's Department.	3,455,130.00
Education Department.....	23,306,530.00
Game and Fisheries Department.	751,400.00
Health Department.....	12,326,190.00
Highways Department.....	1,496,800.00
Insurance Department.....	68,400.00
Labour Department.....	1,370,581.55
Lands and Forests Department..	3,792,000.00
Legislation.....	273,575.00
Lieutenant-Governor's Office...	10,200.00
Mines Department.....	516,000.00
Municipal Affairs Department..	241,072.00
Planning and Development Department.....	92,000.00
Prime Minister's Department...	254,500.00
Provincial Auditor's Office.....	118,500.00
Provincial Secretary's Depart- ment.....	2,439,940.00
Provincial Treasurer's Depart- ment.....	1,678,975.00
Public Welfare Department....	24,776,000.00
Public Works Department.....	1,391,500.00
Miscellaneous.....	100,000.00

Total estimates for expenditure of 1945-
1946.....\$81,317,476.30

CHAPTER 12.

An Act to provide for an Annual Grant to the University of Toronto School of Nursing.

*Assented to July 20th, 1945.
Session Prorogued July 20th, 1945.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There is hereby appropriated and there shall be paid out of the Consolidated Revenue Fund of Ontario a grant to the Governors of the University of Toronto to be applied only for the use of its School of Nursing in the amount of \$10,000 each year for a term of five years and \$20,000 each year for a further term of ten years.

2. This Act may be cited as *The University of Toronto School of Nursing Grant Act, 1945.*

CHAPTER 13.

An Act respecting the Erection of Houses and Housing Accommodation for Veterans and their Dependents.

Assented to July 20th, 1945.

Session Prorogued July 20th, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of a local municipality, to relieve the exist- Emergency powers of local municipality.
ing emergency in housing conditions, may,—

- (a) enter into agreements with His Majesty in right of Canada or with any corporation acting on behalf of His Majesty in right of Canada on such terms and conditions as the council may deem proper for the erection of houses or housing accommodation on land vested in His Majesty in right of Canada and situate within such local municipality or in any adjoining local municipality; and
- (b) construct and maintain roadways, highways, pavements, curbs and sidewalks, and install sanitary sewers, storm sewers, watermains and hydrants, including all connections from such sewers and watermains required to be installed within the limits of the roadway or highway for such houses or housing accommodation.

2. Where houses are or housing accommodation is to be Use of houses by veterans.
provided pursuant to this Act, the agreement providing therefor made pursuant to section 1 shall require that such houses or housing accommodation shall, during such period as the council of the local municipality shall decide, be leased to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada is now and since the 10th day of September, 1939, has been engaged, or to their dependents or to the dependents of any sailor, soldier or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war; provided that whenever during such

period any of the houses or housing accommodation remains vacant for such period as the agreement may provide and no persons suitable to the owner of the land of the above class or classes is available as a lessee, the provisions of this section shall not apply.

Housing in
an adjoining
municipality.

3. The provisions of section 1 shall not authorize a local municipality to erect houses or housing accommodation or to install services or works in any adjoining municipality except with the consent of the council of such adjoining municipality.

Issue of
debentures.

4. A local municipality may without the assent of the electors qualified to vote on money by-laws, pass by-laws to authorize the issue of debentures to raise money for the installation of any of the services or works authorized by this Act.

Commence-
ment of Act;
retroactive
effect.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 26th day of June, 1945.

Short title.

6. This Act may be cited as *The Veterans Housing Act, 1945*.

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(First Session, Twenty-Second Legislature,
9 George VI, 1945)

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STATUTE LAW AMENDMENT ACT. 1942, c. 34, ss. 23, 34 (2).

In view of
the provisions of

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